SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) by demonstrating unworthiness to act as a Broker by pleading no contest to a charge of three counts of theft by unlawful taking.	89-060 - P.J. Morgan Co. and Daniel Vescio vs. Hoard James Rudloff	February 28, 1990	Salesperson's license revoked.
Section 81-885.24(29) by taking listings on property without listing specifying an expiration date.	90-008 - Commission vs. Barbara E. Dawson	April 11, 1990	Stipulation and Consent Order. Broker's license suspended for 15 days.
Section 81-885.24(29) by refusal to give principal information about prospects in connection with a listing.	90-007 - Commission vs. Dee Hansen	May 10, 1990	Stipulation and Consent Order. License censured.
Section 81-885.24(22) by making a substantial misrepresentation; Title 299, Ch. 5-003.17 failure to disclose to a buyer, a material fact regarding condition of parcel of real estate of which he has knowledge; Title 299, Ch. 5-003.19 failure to supervise associate Brokers or Salespersons; and 81-885.24(29) by demonstrating negligence and unworthiness to act as a Broker.	89-067, 89-069, 90-020, 90-026 - Schaeffer Petersen, Bastemeyer, Hathaway & Ammerman vs. Ralph Heavrin and Gerald Fischer	September 24, 1990	Heavrin: Suspend 6 months. Fischer: Suspend 3 months.
Section 81-885.24(29) by failing to disclose lawsuit against him on renewal application.	90-024 - Commission vs. Arlan D. Bartlin	September 24, 1990	Stipulation and Consent Order. Salesperson's license suspended for 60 days.
Section 81-885.24(29) and 81-885.21 by demonstrating negligence and incompetency to act as a Broker and in failing to maintain a proper Trust Account.	90-025 - Commission vs. W. Jim Ortmeier	November 28, 1990	Suspend 30 days, stayed and served on probation.
Brake: Section 81-885.24(29) by demonstrating negligence. Francis: Section 81-885.24(7) by representing a Broker, other than employer, without knowledge and consent of employer; 81-885.24(29) by demonstrating unworthiness to act as a Salesperson; 81-885.24(14) by negotiating a listing directly with an owner if he knows owner has written outstanding listing contract granting exclusive agency with another Broker.	90-021, 90-022 - Sharon Wright vs. Timothy Francis and Eugene Brake	December 28, 1990	Brake: License censured. Francis: Stipulation & Consent Order. License suspended for 90 days.
Section 81-885.24(29) by failing to deposit earnest money in Trust Account in time allowed, thus demonstrating incompetence, negligence and unworthiness to act as a Broker.	90-018 - Commission vs. Wayne Kiltz	February 6, 1991	Order of Censure.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) by demonstrating unworthiness to act as an associate Broker by withdrawing trust funds without consent of Broker.	90-054 - Shirley Harrel vs. Clyde W. Miller	February 21, 1991	Stipulation and Consent Order. Broker's license suspended for 1 year with last 180 days stayed and served on probation.
Section 81-885.24(9)(23)(24)(29). Dual capacity of buyer and licensee without disclosing same and not delivering funds to broker.	90-032, 90-033 -Decker, Brodd and Roth vs. Doug Washburn	March 21, 1991	Broker's license suspended 90 days with last 30 days stayed and served on probation.
Section 81-885.24(3) and (24) by failing to account for and remit money coming into his possession and by failing, as an associate Broker, to place, as soon after receipt as practical, in the custody of his employing Broker, and deposit money entrusted to him and by demonstrating negligence to act as an associate Broker in violation of 81-885.24(29).	91-009 - Commission vs. Charles D. DeVetter, Jr.	May 22, 1991	Stipulation and Consent Order. License suspended for 30 days, set aside and on probation.
Richter: Section 81-885.24(22) (29). Richter misrepresented buyer could assume loan when knew could not qualify. Kean: Section 81-885.24(29). Kean should have known buyer could not qualify.	90-038 - Randy & Stephanie Bruning vs. Edna Richter & Tom Kean	June 3, 1991	Kean: Suspended 15 days. Richter: Suspended 60 days.
Section 81-885.24(29) by demonstrating unworthiness by advertising 2 open houses to be held simultaneously and leaving an unlicensed person to distribute information at one address while he attended at another address.	91-010 - Commission vs. Carl L. Bartlett	August 7, 1991	Stipulation & Consent Order. License suspended for 1 year with last 11 months stayed and served on probation, followed by 1 year additional probation.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker and Ch. 5-003.01 by handling a real estate transaction when licensee has not been involved in the sale.	91-018 - Commission vs. John C. Thor	August 21, 1991	Stipulation and Consent Order. License suspended for 4 months with no renewal of license.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker by entering into contracts to purchase real estate without earnest deposits being made within 48 hours of receipt and deposit not forwarded to listing Broker in a timely manner.	91-013 - Commission vs. Thomas Patrick McNally	August 26, 1991	Stipulation and Consent Order. License suspended for 6 months followed by 18 months probation.
Section 81-885.24(24) and (29) and Title 299, Ch. 5-003.10 by accepting other than cash or an immediately cashable check as earnest deposit, by failing as a Salesperson to place, as soon as possible after receipt, in the custody of	91-031 - Commission vs. George E. Murray	August 28, 1991	Stipulation and Consent Order. License suspended for 60 days.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
employing Broker, any deposit money and by demonstrating negligence and incompetency to act as a Salesperson.	91-031 - Commission vs. George E. Murray		
Section 81-885.24(18) by paying commission or compensation to unlicensed person and 81-885.24(29) by demonstrating negligence and Ch. 5-003.11 and 003.19 by failing to deposit earnest money in a timely manner.	91-032 - Commission vs. Ronald F. Finkel	October 1, 1991	Stipulation and Consent Order. License suspended for 45 days followed by 10 1/2 months of probation.
Ch. 3-002 by having deficient Trust Account records; 81-885.24(29) by demonstrating negligence.	91-041 - Commission vs. William F. Charbonneau	October 23, 1991	Stipulation and Consent Order. License censured.
Section 81-885.24(14) by negotiating a listing agreement directly with the owners of a parcel of property when Respondent knew or should have known that such property was exclusively listed with another Broker; and 81-885.24(29) by demonstrating negligence.	92-042 - Commission vs. Raymond William Dibelka	October 30, 1991	Stipulation and Consent Order. License censured.
Section 81-885.24(20) by failing to advise buyers of an amendment to a Purchase Agreement; 81-885.24(21) by failing to deliver to buyer in a timely manner a complete and detailed closing statement; and 81-885.24(29) by demonstrating unworthiness to act as a real estate Broker.	91-024 - Commission vs. Allan D. Woodward	November 26, 1991	Stipulation and Consent Order. License suspended for 6 months, then on probation 1 year & 6 months.
Chapter 5-003.19 by failing to supervise a Salesperson in his employ; and 81-885.24(29) by failing to have the sellers of the property initial a change in the Purchase Agreement.	91-051 - Commission vs. Marvin B. Bowhay	February 21, 1992	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by failing to have the sellers of the property initial a change in the Purchase Agreement.	91-052 - Commission vs. Matha C. Hollinrake	February 21, 1992	Stipulation and Consent Order. License censured.
Section 81-885.24(22) and (29) by making substantial misrepresentations and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson by failing to properly exercise her duties as a notary public.	91-063 - Commission vs. Sally A. Vinson	February 25, 1992	Stipulation and Consent Order. License suspended for 12 months with last 6 months stayed and served on probation; 12 hours additional education; and voluntarily relinquish notary public commission.
Section 81-885.24(22) and (29) by making substantial misrepresentations and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson by failing to properly exercise her duties as a notary public.	91-064 - Commission vs. Terry A. Dunford	February 25, 1992	Stipulation and Consent Order. License suspended for 12 months with last 6 months stayed and served on probation; 12 hours additional education; and

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	91-064 - Commission vs. Terry A. Dunford		voluntarily relinquish notary public commission.
Section 81-885.19 by failing to display the license of all associate Brokers and Salespersons in her employ, and 81-885.24(29) by demonstrating negligence to act as a Broker.	92-003 - Commission vs. Janice Speck-Van Newkirk	April 27, 1992	Stipulation and Consent Order. License censured.
Section 81-885.21 by failing to maintain a separate account in his name or name under which he does business as a Trust Account for down-payments, earnest money deposits or other trust funds received until transactions closed, and 81-885.24(29) by demonstrating negligence to act as a Broker.	92-004 - Commission vs. John Merlin Van Newkirk	April 27, 1992	Stipulation and Consent Order. License censured.
Section 81-885.24(26) and 299 NAC 5-003.07 by failing to obtain a written acknowledgment disclosing the licensees involved in the transaction were agents of and representing the seller; and 81-885.24(29) by demonstrating negligence by failing to assist the seller in the establishment of the escrow account or in the closing of the sale of the real estate.	92-031 - Commission vs. Delbert E. Peterson	September 1, 1992	License revoked.
Section 81-885.21(1) and (6) by failing to deposit monies or hold monies in a Trust Account until the transaction was consummated; 81-885.24(26) and NAC 5-003.07 and 5-003.19 by failing to obtain a written acknowledgment disclosing the licensees involved in the transaction were agents of and representing the seller and by failing to supervise a Salesperson in her employ; and 81-885.24(29) by demonstrating negligence to act as a Broker.	92-032 - Commission vs. Joanne E. Peterson	September 1, 1992	Revoked.
Section 81-885.24(29) by demonstrating negligence to act as a Broker.	92-024 - Commission vs. Samuel Murante	September 15, 1992	Stipulation and Consent Order. License suspended for 30 days.
Section 81-885.24(7) by representing himself as an independent Broker, other than his employer, without knowledge or consent of his employer; 299 NAC 3-002 and 3-003 by failing to maintain an accurate bookkeeping system and failing to deposit rents and security deposits in an insured non-interest bearing checking account in the name	92-050 - Commission vs. Charles Lloyd Elson	October 28, 1992	Stipulation and Consent Order. License censured.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
under which he does business; 81-885.24(4) by commingling monies of his principals with that of his own; and 81-885.24(29) by demonstrating unworthiness to act as a real estate Broker.	92-050 - Commission vs. Charles Lloyd Elson		
Section 81-885.21(1), 81-885.24(5) and Ch. 3-007 by failing to maintain and deposit in a separate non-interest-bearing checking account all money received by a Broker acting in such capacity or as escrow agent or the temporary custodian of the funds of others in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing and by demonstrating incompetency and unworthiness to act as a real estate Broker in violation of 81-885.24(29) by failing to disclose to the purchaser that all licensees involved in the transactions are agents of and representing the seller.	92-048 - Commission vs. Patrick George Payne	November 12, 1992	Stipulation and Consent Order. 6 months probation; plus 9 hours additional continuing education.
Section 81-885.24(24) and Ch. 5-003.11 by failing to place as soon after receipt as practical in the custody of his or her employing Broker any deposit money or other money or funds entrusted to her by any person dealing with her as a representative of her licensed Broker, and by failing to disclose to the purchaser that all licensees involved in the transactions are agents of and representing the seller, and by demonstrating negligence, incompetency and unworthiness to act as an associate Broker in violation of 81-885.24(29).	92-049 - Commission vs. Janice R. Boan	November 12,1992	Stipulation and Consent Order. 6 months probation plus 9 hours additional continuing education.
Section 81-885.24(29) by demonstrating incompetency to act as a Broker	91-006 - Commission vs. John Wayne Klein	December 17, 1992	Suspend 2 years with last 18 months stayed and served on probation.
Section 81-885.24(29) by demonstrating negligence to act as a Broker by obtaining and employing an incorrect and incomplete legal description of property.	92-023 - Commission vs. Jeanine Kenworthy	January 14, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(22) by substantial misrepresentation to the buyers that the Respondent had authority to sell the real estate to them; 81-885.24(22) by making a substantial misrepresentation to the buyers in failing to notify the buyers that the property was no longer insured against fire; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a real estate Broker.	92-052 - Commission vs. James D. Sanders	January 14, 1993	Stipulation and Consent Order. License suspended for 1 year with last 6 months stayed and served on probation.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) and Title 299, Ch. 5-003.17 by failing to disclose to a buyer a material fact regarding the condition of a parcel of real estate of which the Salesperson had knowledge.	92-070 - Commission vs. Daniel Alan Spence	February 18, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(20) and (29) by demonstrating negligence, incompetency or unworthiness to act as a Broker by failing to deliver to the buyers within a reasonable time a completed copy of an addendum to a Purchase Agreement, and a Purchase Agreement.	92-042 - Commission vs. Charles DeVetter, Jr.	February 25, 1993	Suspend 60 days with last 30 days stayed and served on probation.
Ch. 5-003.07 and 81-885.24(29) by failing to disclose to the buyers and sellers that all licensees involved in the transactions were agents of and representing the seller, and by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-007 - Commission vs. Dave Davidson	March 24, 1993	Stipulation and Consent Order. Probation of 120 days, with additional 6 hours continuing education.
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.
Ch. 5-003.17 by failing to disclose to a buyer a material fact regarding the condition of a parcel of real estate of which she had knowledge; and by said act, violated 81-885.24(29) by demonstrating incompetency.	92-061 - Tina Kilpatrick vs. Kae L. Myers	April 13, 1993	Suspend 90 days with said suspension stayed and served on probation.
Section 81-885.24(29) by demonstrating negligence to act as a Broker.	92-071 - Commission vs. David Joseph Egan	April 27, 1993	Order of Censure.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.21(2)(4) by depositing funds of property owners into an account not registered with the Commission; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-011 - Commission vs. Richard Lee Svoboda	May 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.21(1) by disbursing part of an earnest deposit to a seller while contract was still pending without written authorization; Title 299, Ch. 3-002 by failing to keep Trust Account records in a form so it could be examined by Commission staff; Ch. 3-006 by failing to deposit an earnest deposit in a timely manner; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker; and 81-885.24(19) by failing to include a fixed date of expiration on a listing agreement.	92-078 - Commission vs. Bennie C. Taylor	June 8, 1993	Suspend 24 months with last 18 months stayed and served on probation, provided 12 additional hours of continuing education are completed during said 6 months of active suspension.
Section 81-885.24(22) by knowingly participating with others to circumvent prohibitions in the submission of bids on HUD properties, thereby making substantial misrepresentations; and 81-885.24(29) as such conduct demonstrates negligence, incompetency or unworthiness to act as a Broker.	92-074 - Commission vs. George Ronald Geringer	September 21, 1993	Revoked.
Section 81-885.24(29) by demonstrating negligence, incompetency and unworthiness to act as a Broker by allowing a transaction to close without making provisions for payment of outstanding bills.	93-003 - Douglas Deterding vs. Timothy C. Plate	October 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by demonstrating negligence to act as a Salesperson; and Title 299, Ch. 5-003.08 by failing to inform seller in writing at the time the offer was presented and accepted as to who was expected to pay certain closing costs and loan closing and financing costs related to the construction loan financing and contract.	93-022 - Commission vs. John Howard Larson	October 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by demonstrating negligence, incompetency and unworthiness to act as a Broker by allowing a transaction to close without making provisions for payment of outstanding bills.	93-030 - Commission vs. Rudolf F. Plate	October 26, 1993	Stipulation and Consent Order. License censured.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) by demonstrating negligence, incompetency and unworthiness to act as a Broker, associate Broker, or Salesperson in obtaining the TRW credit file of the Complainant.	93-031 - Dean D. Hughson vs. John D. Waldbaum	October 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(11) by placing a “for sale” sign on the property without written authorization from the owners; Title 299, Ch. 5-003.16 and 5-003.08 by failing to submit a written offer to the owners and failing, without just cause, to surrender unto the rightful owner, upon demand, a copy of the title insurance policy purchased in connection with said property; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-053 - Commission vs. Donald R. Washburn	October 26, 1993	Stipulation and Consent Order. License suspended for 45 days.
Section 81-885.24(28)(29) by pleading guilty to a Class III Felony for Theft in excess of $1,500.00.	93-054 - Commission vs. Kurt Alan Hohenstein	October 26, 1993	Stipulation and Consent Order. License revoked.
Section 81-885.24(14)(29) by negotiating a co-listing agreement with the owner of property when he knew that such owner had a written outstanding listing contract in connection with such property with another Broker and by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-038 - Norm Green Realty & Auction vs. Ken Kunze	December 9, 1993	Suspend 6 months with first 2 weeks served on suspension and remainder of 6 months stayed and served on probation.
Section 81-885.24(3)(6)(29) and Title 299 Ch. 3-002 by failure to maintain an adequate Trust Account.	93-029 - Commission vs. Arthur C. Antony	December 10, 1993	Suspend 2 years with said suspension stayed and served on probation.
Title 299, Ch. 3-002 by failing to maintain an accurate bookkeeping system; and 81-885.24(29) by said actions demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-062 - Commission vs. Kenn A. Maples	February 24, 1994	Stipulation and Consent Order. License censured.
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. 5-003.09 by failing to advise the owner that the earnest deposit would not be submitted at the time of the offer; 81-885.24(24) by failing to place in the custody of his employing Broker any deposit money entrusted to him by any person dealing with him as the representative of his licensed Broker; and 81-885.24(29) by said actions demonstrating	94-005 - Commission vs. Jeriel Lee Weatherford	March 15, 1994	Stipulation and Consent Order. License suspended for 90 days with last 45 days stayed and served on probation, plus three hours additional continuing education.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
negligence, incompetency or unworthiness to act as a Salesperson.	94-005 - Commission vs. Jeriel Lee Weatherford		
299 NAC 5-003.16 by failing to disclose material facts to purchasers of which he had knowledge; and 81-885.24(29) by committing acts demonstrating negligence.	93-040 - Michael Mattison and Julie C. Walstrom vs. Larry Geiger	March 30, 1994	License suspended 30 days, with suspension stayed and served on probation.
Section 81-885.24(29) by accepting an incomplete listing agreement.	93-035 - Commission vs. K. Carol Leisey	May 4, 1994	Censured.
Section 81-885.24(19) by failing to include a fixed date of expiration in any written listing agreement and failing to leave a completed copy of agreement with principal; and 81-885.24(4) by commingling property with his own property; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness.	93-036 - Commission vs. Charles DeVetter, Jr.	May 4, 1994	Suspended for 3 years with last 2 ½ years stayed and served on probation, plus attend a business ethics course.
Section 81-885.21(1)(6) and 81-885.24(26)(29) and Title 299 NAC Ch. 3-006 and 5-003.13 Trust Account violations.	94-019 - Commission vs. Rudolf F. Plate	June 8, 1994	Stipulation and Consent Order. License suspended 1 year, with first 60 days served on suspension and the remainder stayed and served on probation, plus additional 6 hours of continuing education, 3 hours in Trust Accounts and 3 hours in license law.
Section 81-885.24(29) by demonstrating negligence.	93-001 - Mark and Caren Woodruff vs. Ken Jansen and Helga Withem	June 14, 1994	Order of Censure.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness.	94-010 - Keith K. Anderson vs. John M. Weddle	June 14, 1994	Order. License revoked.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	93-061 - Eugene Mohr & Jayne Mohr vs. Nathan Egger	June 22, 1994	Stipulation and Consent Order. License revoked.
Section 81-885.24(29) by demonstrating negligence to act as a Salesperson.	94-012 - Randall & Denise Ives vs. Katharine Luckett	June 22, 1994	Stipulation and Consent Order. License censured.
Section 81-885.24(7) by representing, or attempting to represent, a real estate Broker, other than her employing Broker, without the express knowledge and consent of the	94-028 - Kimball & Associates...,Bill Kimball vs. Diane L. Richters	September 28, 1994	Stipulation and Consent Order. License censured.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
employer; and 81-885.24(29) by demonstrating negligence to act as a Salesperson.	94-028 - Kimball & Associates...,Bill Kimball vs. Diane L. Richters		
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; Title 299, NAC 5-003.13 by failing to deposit funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted; Title 299, NAC 3-006 by failing to deposit an earnest money payment into his Trust Account within 48 hours or before the end of the next banking day after an offer is accepted, and then forthwith transferring such earnest money deposit to the listing Broker; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as the Broker when he failed to maintain a proper accounting system as evidenced by his failure to balance the check register after each entry, to date all receipts and disbursements, to include check numbers on all disbursements, to have a written bank reconciliation each month showing all outstanding checks, to post checks daily, and to keep ledgers separate from the files.	94-032 - Commission vs. Gary Thomas Thompson	September 28, 1994	Stipulation and Consent Order. License suspended for 60 days, with entire 60 days stayed and served on probation, plus additional 3 hours of Trust Account education.
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 by violating 299 NAC 5-003.13 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 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker when he failed to make the deposits as required.	94-053 - Commission vs. Donald Louis Sempek	November 21, 1994	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker; and Title 299, Ch. 5-003.21, failure by a Broker to supervise her Salesperson.	94-057 - Commission vs. Carole F. Crabtree	January 25, 1995	Stipulation and Consent Order. License suspended for 45 days, followed by 115 days probation, plus 3 hours additional continuing education in real estate law.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	94-056 - Commission vs. Kimberly Ann Hoffmann	January 25, 1995	Stipulation and Consent Order. License suspended for 30 days, plus 3 hours additional continuing education in real estate law.
Section 81-885.24(26) by violating a rule or regulation of the Commission; NAC 299 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; 81-885.24(29) by demonstrating negligence to act as a Broker.	94-064 - Commission vs. Janice Eve Sauer	February 28, 1995	Stipulation and Consent Order. License censured.
Section 81-885.24(3) by failing to account for and remit any money; 81-885.24(20) by failing to deliver Purchase Agreement within a reasonable time; 81-885.24(24) by failing to place any deposit money in custody of his employing Broker as soon after receipt as possible; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker.	95-001 - Commission vs. John Chapman Bussey	May 9, 1995	Stipulation and Consent Order. 30 day suspension, with last 15 days stayed and served on probation.
Section 81-885.24(29) by demonstrating negligence in applying a seal to plans without the engineer's knowledge.	95-002 - Commission vs. Lynne Scott Prout	May 30, 1995	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by failing to transmit Complainant's offer in a timely manner and by failing to return earnest deposit in a timely manner, thereby demonstrating negligence in acting as a Salesperson.	93-057 - Arthur and Berdene Wagner vs. Terry Geistlinger	April 5, 1994 August 2, 1995	License suspended 30 days. Appeal dismissed.
Section 81-885.24(29) by demonstrating negligence to act as a Broker; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public consistent with the Nebraska Real Estate License Act; and Title 299 NAC Ch. 5-003.22 by failing to supervise his Salesperson.	95-019 - Commission vs. Richard Lee Svoboda	October 24, 1995	Stipulation and Consent Order. Two years probation during which time he may not manage real estate owned exclusively by others; plus an additional 12 hours continuing education completed within 9 months; and Trust Account records shall be kept current and accurate and will be subject to examination by the Commission at any time.
Title 299 NAC 5-003.18 by refusing to reduce an offer to writing because the verbal offer had been previously rejected.	95-026 - Robert R. Kennedy and Mary A. Kennedy vs. Arthur Hysell	October 24, 1995	Stipulation and Consent Order. License censured.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) by demonstrating negligence by receiving a listing from someone other than sellers; placing a “for sale” sign without written authorization from the sellers; failing to pre-qualify the purchasers; and failing to obtain the $1,000.00 earnest money.	95-035 - Irwin L. Nelson & Jeanette M. Nelson vs. Swanson Real Estate, Kaylene Swanson	December 11, 1995	Stipulation and Consent Order of Censure - 90 day suspension, with the entire 90 days stayed and served on probation; plus an additional 6 hours continuing education completed within 9 months.
Section 81-885.24(22) by making substantial misrepresentation to the buyers; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	94-068 - Lowell D. & Deborah S. Nelson vs. Daniel Spence	January 31, 1996	License suspended 90 days, with last 60 days stayed and served on probation; plus additional 12 hours of continuing education, to include at least one Ethics course.
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(29) by demonstrating negligence, incompetency, or unworthiness by encouraging buyers to void an offer to purchase.	96-018 - Commission vs. Rex Nelson Blakely	April 29, 1996	Stipulation and Consent Order. License censured.
Chap. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser, or to the agent of the purchaser; Ch.5-003.11 and 5-003.10 by failing to provide the purchaser a written estimate of the costs the purchaser will be expected to pay at closing when the necessary cost information was reasonably available, by failing to obtain a buyer or seller signature, and further, by failing to maintain evidence of such records in her transaction file in accordance with NAC 3-001; 81-885.24(29) by demonstrating negligence to act as a Broker.	95-048 - Patrick and Rebecca Burns vs. Alvina Becker, 96-005 - Commission vs. Alvina Marie Becker	April 30, 1996	Stipulation and Consent Order. License suspended for two-years, with said suspension being served on probation from April 30, 1996 through April 29, 1998; plus two additional sets of 12 hours of continuing education to be completed by October 30, 1996 and April 29, 1998.
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a real estate Salesperson.	95-016 - Cheryl Peterson vs. Wink Mundorf	May 13, 1996	Order of Censure, with 6 hours of continuing education in the area of contract law to be completed within 12

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
			months.
Section 81-885.24(22) by substantial misrepresentation; 81-885.24(26) by failing to produce a document in the Respondent's possession or under his control concerning a real estate transaction under investigation by the Commission; Ch. 5-003.17 by violating rules or regulations adopted and promulgated by the Commission; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness.	95-054 - Commission vs. Scott W. Bloemer	July 1, 1996	License revoked. Motion for New Hearing and Stay of Execution denied - July 22, 1996.
Section 81-885.24(22) by advising buyer that offer was accepted but that sellers needed a little time to find a house; 81-885.24(20) by failing to deliver within a reasonable time, a completed and dated copy of the Purchase Agreement; and 81-885.24(29) by demonstrating negligence to act as a Salesperson.	96-021 - Brian Schaecher vs. Teri Ann Medelman 96-021 - Brian Schaecher vs. Teri Ann Medelman	June 28, 1996	Stipulation and Consent Order. License suspended 30 days with an additional 6 hours of continuing education in license and contract law to be completed within 6 months.
Section 81-885.24(3) in failing to account for and remit funds in Respondent's possession and belonging to Nevander; 81-885.24(26) and specifically Ch. 3-003 in failing to properly identify funds received from Nevander for payment of expenses; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness.	96-032 - Nevander Asset Management Inc., Dennis Watts vs. Robert L. Pelshaw	January 22, 1997	Stipulation and Consent Order. License suspended 2 years.
Section 81-885.24(22) by making substantialisrepresentation and Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.) Appealed to Lancaster County District Court. Commission decision affirmed.	96-044 - Don & Beverly Hamill vs. Larry Geiger, broker.	March 20, 1997	License revoked.
Section 81-885.24(22) by making a substantial misrepresentation; 81-885.24(26) by violating a rule or regulation adopted by the Commission, to wit: Ch. 5-003.13 by accepting other than cash or cashable check as earnest money; Ch. 5-003.10 by failing to give Sellers closing costs & failing to prepare an estimate or have one signed; Ch. 5-003.11 by failing to give purchaser closing costs & failing to prepare an estimate or have one signed; Ch. 5-003.14 by failing to deposit earnest money in 48 hours; Ch. 3-006 by failing to deposit earnest money in her trust account in 48	96-046, 97-010 - Commission vs. Jillian Ann Currie	March 20, 1997	Stipulation and Consent Order. License suspended 45 days, plus 6 hours additional continuing education, 3 hours in trust accounts and 3 hours in written disclosures.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
hours & failing to transfer it to the listing broker; Ch. 5-003.24 by failing to give a copy of disclosure statement to the purchaser or get it signed; Ch. 5-003.23 by failing give disclosure statement to the purchaser or their agent; 81-885.24(5) by failing to maintain and deposit all money received by a broker; and 81-885.24(29) by demonstrating unworthiness to act as a Broker.	96-046, 97-010 - Commission vs. Jillian Ann Currie		
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.	97-003 - Commission vs. Cameron Houston Thomas	April 1, 1997	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.
Section 81-885.24(5) by failing to maintain & deposit in a separate account all money received in a real estate transaction; 81-885.24(26) by violating a rule or regulation adopted by the Commission, to wit: Ch. 3-002 by failing to maintain an accurate bookkeeping system; Ch. 3-004 by paying monies out of the trust account prior to the time they are due; Ch. 5-003.07 and 5-003.08 by failing to comply with 76-2401 through 76-2430 in the following: 76-2422(24) by acting as a dual agent without obtaining the written agreement of the seller & the buyer; Ch. 5-003.10 by failing give sellers those categories of cost they will be expected to	97-005, 97-006 - Commission vs. Harold S. Kaufman	April 17, 1997	Stipulation and Consent Order. License suspended two years, with entire period served on probation, plus 12 hours additional continuing education, 3 hours in license law, 6 hours in bookkeeping, and 3 hours in disclosures.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
pay at closing & to prepare an estimate; Ch. 5-003.11 by failing to give prospective purchaser those categories of cost the purchaser will be expected to pay at closing & by failing to prepare an estimate; Ch. 5-003.14 by failing to deposit earnest money in 48 hours; Ch. 5-003.12 by failing to supervise his salesperson; and 81-885.24(29) by demonstrating negligence or unworthiness to act as a Broker.	97-005, 97-006 - Commission vs. Harold S. Kaufman		
Section 81-885.24(2) by intentionally using advertising which misrepresents the services of the business conducted; 81-885.24(22) by making substantial misrepresentation to the owners regarding the advertising; and 81-885.24(29) by demonstrating negligence.	96-040 - Marylou Mele vs. Linda Miller, 96-045 - Commission vs. Linda Eileen Miller & Loretta M. Eppley	April 17, 1997	Stipulation and Consent Order. Licenses suspended twelve months, with entire period served on probation.
Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interests of the public and consistent with the Nebraska Real Estate License Act to include: Ch. 5-003.01 by preparing a land contract without having it approved by an attorney; and Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2418(c)(iv) by failing to advise the buyers to obtain expert advice regarding drafting of a land contract and closings, the expertise which is beyond the expertise of the Respondent; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Salesperson.	97-007 - Commission vs. Russell Dean Lefever	June 18, 1997	License Revoked.
Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public inconsistent with the Nebraska Real Estate License Act, to wit: Title 299, NAC, 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 in writing to the seller, at the time the offer is presented and accepted, those closing costs the seller will be expected to pay at closing, and by failing to obtain seller's signature; Ch. 5-003.11 by failing to identify in writing at the time an offer is written or a counter-offer accepted, those	97-002 - Commission vs. Janice Eve Sauer	June 18, 1997	Stipulation and Consent Order. License suspended 18 month, to be served on probation. As a condition of probation, Respondent must not violate the License Act or laws governing agency, and the Respondent must, complete 6 hours of continuing education within 6 months, 3 hours in disclosures and 3 hours in trust accounts.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
closing costs the buyer will be expected to pay at closing, and by failing to obtain the buyer's signature; Ch. 5-003.24 by failing to obtain the signed receipt of the buyer on the Seller Property Condition Disclosure Statement prior to the buyer entering into a Purchase Agreement; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.	97-002 - Commission vs. Janice Eve Sauer		
Section 81-885.12 by having made a false statement of material fact on his Application for License as a Real Estate Salesperson and his Application for Annual Renewal of Real Estate License; 81-885.24(22) by making substantial misrepresentation on his Application for License as a Real Estate Salesperson and his Application for Annual Renewal of Real Estate License; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a real estate Salesperson.	97-022 - Commission vs. Paul E. Busch	August 20, 1997	License Revoked.
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 to supervise, Ch. 5-003.23 by failing to give a copy 81-885.24(29) by demonstrating negligence, incompetency, 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, or unworthiness to act as a Broker.	97-036 - Commission vs. Glenda Harders	August 19, 1997	Stipulation and Consent Order. License suspended two years, plus 6 hours continuing education, 3 hours in agency law and 3 hours in trust accounts.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as an associate Broker.	97-025 - Lincolnland Realty Co. vs. Rosemary Horner	October 30, 1997	License Censured.
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a real estate Broker.	97-033 - Darron S. & Kelley M. Boltin vs. Sue Parascand	December 10, 1997	License Censured.
Section 81-855.24(22) by making a misrepresentation and 81-855.24(29) by demonstrating negligence to act as a real estate salesperson.	97-045 - Catherine L. Cherino vs. Nikki Sheppard	January 21, 1998	Stipulation and Consent Order. License suspended for 90 days, with last 60 days on probation, with an additional 6 hours of continuing education to include 3 hours in ethics and 3 hours in disclosures to be completed by April 21, 1998.
Section 76-2422(6) by failing to perform the terms of the Management Agreements by not sending excess rents to the banker, authorizing payment of invoices without first obtaining permission, and disclosing confidential financial information when the Respondent was not required by statute, rule or regulation to do so and 81-855.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	98-008 - Commission vs. Thomas D. Eacker	May 19, 1998	Stipulation and Consent Order. License suspended for 30 days, followed by 90 days on probation, from May 19, 1998 through September 19, 1998, with an additional 6 hours of continuing education to include three hours in law and 3 hours in property management to be completed by November 14, 1998.
Section 81-855.24(24) and 81-855.24(29) by negligently failing as an associate broker, to place as soon after receipt as practicable in the custody of his employing broker any deposit money entrusted to him by any person dealing with him as the representative of his licensed broker.	98-011 - Commission vs. Robert Joseph Patenaude	May 19, 1998	Stipulation and Consent Order. License censured.
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	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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 the end of the next banking day 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, 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, 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	98-012 - Commission vs. Mark F. Abboud		

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
earnest money deposit to the listing broker; 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 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	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	98-015 - Commission vs. Fred L. Swett		
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; 76-2417, powers and duties of a limited seller's agent.	98-010 - Richard R. Bahensky vs. Michael (Mick) J. McDowell.	August 18, 1998	Stipulation & Consent Order. License censured.
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, NAC, Ch. 3-002 by failing to maintain a bookkeeping system which will accurately and clearly disclose full compliance with the laws relating the maintaining of trust accounts; and 81-885.24(29) by demonstrating negligence to act as a broker.	98-014 - Commission vs. Melissa L. Jarecke	September 9, 1998	License suspended for six (6) months with said suspension stayed and served on probation from September 9, 1998 through March 8, 1999, with an additional three (3) hours of continuing education in trust accounts to be completed by March 8, 1999.
Roger Rader: 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. 5-003.22 by failing to supervise his salesperson; 81-885.24(3) by failing to account for monies coming into his possession belonging to others; and 81-885.24(29) by demonstrating negligence to act as the broker. LaDonna Rader: Section 81-885.24(3) by failing to account for monies coming into her possession belonging to others; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	98-036 - Commission vs. Roger Eugene Rader & LaDonna Jean Rader	November 30, 1998	Roger Rader: Stipulation and Consent Order. License suspended two years from January 1, 1999, through December 31, 2000*, with the last 23 months served on probation; plus 12 additional hours of continuing education to include 3 hours in trust accounts, 3 hours in agency, 3 hours in license law, and 3 hours in disclosures to be completed by August 31, 1999. *Per Show Cause Hearing on January 31, 2000, probation extended through December 31, 2001. LaDonna Rader: Stipulation and Consent Order. License revoked.
Section 81-885.24(29) by demonstrating negligence to act as an associate broker in that she imbibed in alcohol, had poor communication with the sellers and demonstrated unprofessional behavior.	98-032 - Brian & Tracy Zych vs. Debbie L. Lasher	January 13, 1999	License censured.
Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest	98-026 - Commission vs. Buree Stovall	February 24, 1999	Stipulation and Consent Order. License suspended for two years, with first 90 days

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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		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.
Section 81-885.24(29) demonstrating negligence in acting as a salesperson by failing to have the Complainants initial the documents on which the dates were changed or to notify them he was changing the dates before doing so.	98-027 - John & Betty Hoschar vs. Vincent Muniz, Sr.	March 18, 1999	Stipulation and Consent Order. License censured.
Section 81-885.24(26) by violating a rule or regulation adopt-ed and promulgated by the Commission in the interest of the public inconsistent with the Nebraska Real Estate License Act, in each of the following particulars, Title 299, N.A.C. Ch. 5-003.07 in each of the following particulars, by failing to	98-013, 98-022, 98-024 - Commission vs. Kenneth John Jansen	March 23, 1999	Stipulation and Consent Order. License suspended from May 1, 1999 through December 31, 2000, with the first 45 days of said suspension served and the remaining time stayed and served on

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
comply with the following: 76-2419(2) and 76-2418(c)(iii) by failing to disclose in writing to the client adverse material facts; 76-2419(2) by failing to disclose to the buyer information relevant to the transaction or client; Ch. 5-003.04 by failing to make known, in writing, to any pur- chaser, prior to the buyer becoming obligated to purchase the property, his interest in the property for sale; 81-885.24(29) by demonstrating negligence to act as a broker.	98-013, 98-022, 98-024 - Commission vs. Kenneth John Jansen		probation; plus twelve (12) hours of continuing education to include three (3) hours in agency, three (3) hours in disclosures, three (3) hours in license law, and three (3) hours to be determined by Director.
Section 81-885.24(29) for negligently failing to identify, on the purchase agreement, the personal property to be retained by the sellers of the real estate.	1999-006 - David & Juanita Benson vs. Paul L. Gondringer	June 29, 1999	Stipulation and Consent Order. License censured.
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, to wit: Title 299, N.A.C. Ch. 5-003.25 by failing to disclose an omission on the Seller Property Condition Disclosure Statement, in writing to a potential purchaser and the seller; 81-885.24(29) by demonstrating negligence to act as a broker.	1999-015 - Teresa D. Reed vs. Marlene Ann Whitaker & D. Doreen Gulizia	August 13, 1999	Gulizia: Dismissed. Whitaker: Stipulation and Consent Order. License censured; plus three (3) hours of continuing education in the area of disclosure.
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, to wit: Title 299, Ch. 5-003.25 by failing to disclose an omission on the Seller Property Condition Disclosure Statement, in writing, to a potential purchaser and the seller; 81-885.24(29) by demonstrating negligence to act as a salesperson.	1999-022 - Commission vs. Robert Dean Rowan	September 20, 1999	Stipulation and Consent Order. License censured; plus three (3) hours of continuing education in the area of disclosure.
Section 81-885.24(19) by failing to include a fixed date of expiration in a Listing Agreement; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	1999-038 - Commission vs. Charles Eugene Grimes	December 7, 1999	Stipulation and Consent Order. License censured; plus three (3) hours of additional continuing education in the area of contracts.
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,	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

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 into a written agreement for brokerage services with 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.	1999-035 - Commission vs. Charles E. Degaillez		(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.
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	1999-036 - Commission vs. Michele Williams	December 14, 1999	Stipulation and Consent Order. License suspended for two years, with said suspension stayed and served on

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	1999-036 - Commission vs. Michele Williams		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.
Section 81-885.24(14) by negotiating directly with an owner to withdraw from or break a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; 81-885.24 (29) by demonstrating negligence to act as a salesperson in that she failed to determine the type of arrangement the sellers of the property had with WHY USA Independent Brokers although she had knowledge that some type of contract existed, and she caused information regarding her listing to be entered in the Multiple Listing Service prior to the date the listing commenced.	1999-021 - Commission vs. Susan R. Haggar	January 13, 2000	License censured.
Section 81-885.24(29) by demonstrating negligence in acting as a broker by failing to have Murphey and his wife initial the Listing for Lease Agreement on which the word “new” was stricken and the word “leasing” was added, or to provide Murphey a copy of the Listing for Lease Agreement with changes.	1999-027 - C. R. Murphey vs. Deloris Marie Weber and Roger Leroy Weber	March 21, 2000	Roger Weber: Dismissed. Deloris Weber: Stipulation and Consent Order. License censured plus an additional 3 hours of continuing education in the area of contracts to be completed by September 20, 2000.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(26) by violating a rule or regulation adopted an promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, to wit: Title 299, N.A.C., Ch. 5-003.20 by failing to disclose an adverse material fact, in writing, prior to the time the Buyers signed the Offer to Purchase; 81-885.24(29) by demonstrating negligence to act as a salesperson.	1999-031 - Robert L. & Charlotte A. Hester vs. Betty Wilda Bates and Nancy Karel Hernandes	March 24, 2000	Hernandes: Dismissed. Bates: Stipulation and Consent Order. License suspended for 6 months from April 1, 2000 through September 30, 2000, with first 21 days of said suspension served and the remaining time 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 disclosure to be completed by September 23, 2000.
Section 81-885.24(29) by demonstrating negligence, incompetency, and unworthiness to act as a broker by continuing to act as an active real estate broker with the necessary errors and omissions insurance when, in fact, Respondent had no errors and omissions insurance and his license had been placed on inactive status by the Commission.	2000-022 - Commission vs. William Joseph Clark	July 25, 2000	License censured.
Section 81-885.24(22) and (29) by providing substantial misrepresentations and demonstrating negligence, incompetence or unworthiness to act as a broker, associate broker, or salesperson.	1999-003 - Gareld Jules Jouvenat vs. William J. White	August 23, 2000	License suspended for five and one-half (5 1/2) years commencing on February 15, 2000, with the last two (2) years of said five and one-half year period to be stayed and served on probation.
Section 81-885.24(29) by demonstrating negligence in acting as a broker by failing to include the third-party administrator buy-out terms and the provision identifying various potential buyers in the Exclusive Listing Agreement which, in either instance, would have excluded a real estate commission to the Respondent.	2000-016 - Doug & Sharon Klug vs. Lyle Richard Todd	August 24, 2000	Stipulation and Consent Order. License censured.
Section 81-885.24(14) by negotiating a sales directly with an owner after knowing such owner has a written outstanding listing contract in connection with the property granting an exclusive agency or exclusive right to sell to another broker; 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 Respondent violated Title 299, N.A.C., Ch.	2000-014 - Harold E. Nott & Adrian C. Lofgren vs. Kaylene B. Swanson	October 2, 2000	Stipulation and Consent Order. License suspended for 30 days from October 9, 2000 through November 7, 2000; plus an additional 6 hours of continuing education including 3 hours in the area of license laws and 3 hours in the area of agency to be completed by April 1, 2001.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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, by failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and by failing to obtain the written signature of the seller and maintain a copy of the document in the transaction file; 81-885.24(29) by demonstrating negligence or incompetency to act as a broker for actions including incorrectly completing the Acknowledgment of Disclosure forms, not knowing when the listing expired, contacting the sellers when they had an exclusive listing with another agency rather than contacting the agency, and proceeding with closing without notifying the listing agent.	2000-014 - Harold E. Nott & Adrian C. Lofgren vs. Kaylene B. Swanson		
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	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 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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		
Section 81-885.24(2) by intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents the property; and 81-885.24(29) by demonstrating negligence to act as a salesperson.	2000-046 - Commission vs. Robert Quartoroli	January 23, 2001	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of ethics and three (3) hours in the area of disclosure to be completed by July 22, 2001.
Section 81-885.24(22) by making a material misrepresentation when delivering a Purchase Agreement indicating Respondent had received a $1,000.00 earnest deposit from Buyer when in fact he had not; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness in failing to advise the Listing Agent at the time of delivery of the first Purchase Agreement and at the time of his later tele- phone conference advising the Listing Agent “we have a deal” that he had not received the earnest deposit from his client.	2000-042 - Michael G. & Judith K. Metz vs. Earl Jeffrey Allen	March 27, 2001	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education including three (3) hours in the area of contracts and three (3) hours in the area of trust accounts to be completed by September 26, 2001.
Section 81-885.24(26) by violating Title 299, NAC, Ch. 3-002 of the Nebraska Real Estate Commission Rules & Regulations in that he failed to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintenance of trust accounts; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	2001-017 - Commission vs. Lyle Richard Todd	April 26, 2001	Stipulation and Consent Order. License suspended for thirty (30) days with entire period stayed and served on probation from April 26, 2001, through May 25, 2001; plus an additional three (3) hours of continuing education in the area of trust accounts to be completed by July 25, 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 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	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 continuing education including three (3) hours in the area of agency and three (3) hours in the area of disclosures to be

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2001-007 - Terry & Pamela Weldin vs. H. James Merrigan		completed by November 21, 2001.
Section 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, NAC, 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; 81-885.24(29) by demonstrating negligence.	2001-014 - Commission vs. Sam C. Huston	May 22, 2001	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of trust accounts to be completed by November 21, 2001.
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	2001-015 - Commission vs. Elaine R. Richman	May 22, 2001	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
purchaser or a counter offer is accepted by the purchaser, 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.	2001-015 - Commission vs. Elaine R. Richman		
Section 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 Real Estate License Act, specifically: Title 299, NAC, Ch. 3-002 (as in effect on January 28, 1997) by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the law relating to the maintaining of trust accounts; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	2001-018 - Commission vs. Gregory Dean Mehring	May 22, 2001	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of trust accounts to be completed by November 21, 2001.
Section 81-885.12 by making a false statement of a material fact on an application; 81-885.24(22) by making a substantial misrepresentation on an application made to the Commission; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	2001-013 - Commission vs. Dennis L. Kilmer	May 23, 2001	License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(18) by compensating an unlicensed person for performing the services requiring a real estate license and 81-885.24(29) by allowing an unlicensed individual to participate in real estate activities requiring a real estate license.	2001-023 - Pace Woods vs. Larry F. Zitek	August 20, 2001	License censured.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson for failing to deliver the offer timely; 76-2418(1)(b) and (c)(ii) by failing to exercise reasonable skill and care for the client and by failing to promote the interest of the client with the utmost good faith, loyalty and fidelity, including presenting all written offers from the client in a timely manner.	2001-025 - Jerry J. & Mark K. Owens vs. Dale Martin Engel	September 26, 2001	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of contracts to be completed by March 25, 2002.
G. Barnard: 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 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	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 Morrissette McNenny vs. Gary A. Barnard	December 18, 2001	G. Barnard: 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. Barnard Swoboda: Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in the area of agency to be completed by June 17, 2002.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
knowledge of a lawsuit regarding the title to property owned by the Hasleys. Barnard Swoboda: 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.	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 Morrissette McNenny vs. Gary A. Barnard		
Section 81-885.24(24) by failing as an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his employing broker, any deposit money or other money or funds entrusted to him by any person dealing with him as the representative of his licensed broker; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson.	2001-039 - Tracy A. Lee vs. John Robert Miller	January 24, 2002	Stipulation and Consent Order. License suspended for thirty (30) days from February 1, 2002, through March 2, 2002; plus an additional six (6) hours of continuing education including three (3) hours in the area of contracts and three (3) hours in the area license law to be completed by July 31, 2002.
Kirkeby: 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. 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.	2001-046 - Commission vs. Kenneth Lloyd Kirkeby & Melvin R. Dreyer	January 24, 2002	Kirkeby: 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. Dreyer: Stipulation and Consent Order. License suspended for sixty (60) days 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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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	2001-046 - Commission vs. Kenneth Lloyd Kirkeby & Melvin R. Dreyer		

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2001-046 - Commission vs. Kenneth Lloyd Kirkeby & Melvin R. Dreyer		
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 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	2001-038 - William J. & Cindy C. Sarraillon vs. Vincent Muniz, Jr.	April 3, 2002	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 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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
writing which party the licensee is representing; 81-885.24(29) by demonstrating negligence to act as a salesperson.	2001-038 - William J. & Cindy C. Sarraillon vs. Vincent Muniz, Jr.		
Title 299, Ch. 5-003.13 by accepting other than cash or an immediately cashable check as earnest money unless such fact is communicated to the owner prior to his or her acceptance of the Offer to Purchase, and such fact is shown in the earnest money receipt; 76-2422(4) in that the Respondent failed before engaging in any of the activities enumerated in Subdivision 2 of 81-885.01 to obtain the written agreement of the seller and the buyer permitting the designated broker, to serve as a dual agent in the proposed transaction and failed to include a licensee's duties and responsibilities as specified in 76-2419; 81-885.24(29) by demonstrating negligence, to act as a broker, associate broker or salesperson.	2001-045 - Larry & Sondra Kotas vs. Leonard Ray Prall	August 21, 2002	Stipulation & Consent Order. License suspended for forty-five (45) days from September 15, 2002, through October 29, 2002; 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 20, 2003.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson due to her actions of leaving inappropriate messages on the Buyer's answering machine.	2002-022 - Brett & Nancy Moore vs. Debra K. Carlson	December 11, 2002	Stipulation & Consent Order. License censured.
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 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	2002-024 - Allan & Susan Arp vs. Richard Merle Wardell	December 11, 2002	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2002-024 - Allan & Susan Arp vs. Richard Merle Wardell		
Title 299, Ch. 5-003.20, for failing to disclose, in writing, to a buyer, at or prior to the time the buyer signs an Offer to Purchase, an adverse material fact regarding the condition of a parcel of real estate of which a broker has knowledge; Ch. 5-003.25, for failure by a licensee, who knows of an error, inaccuracy or omission in a Seller Property Condition Disclosure Statement completed pursuant to 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; 81-885.24(29) by demonstrating negligence to act as a broker.	2002-033 - Earl & LeeAnn Stueve vs. Carolyn Van Horne	January 29, 2003	Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of license law and 3 hours in the area of disclosure, to be completed by May 29, 2003.
Section 81-885.24(14) when Respondent negotiated the sale of real estate directly with an owner when he knew that such owner had a written, outstanding listing contract in connection with such property granting an exclusive agency to another broker and 81-885.24(29) by demonstrating negligence to act as the broker as demonstrated by the violation of 81-885.24(14) and by failing to deliver documents to his employing broker.	2003-023 - Commission vs. Michael Dean Slatten	May 28, 2003	Stipulation & Consent Order. License suspended for 2 years from May 28, 2003, through May 27, 2005, with the entire period stayed and served on probation; plus an additional 12 hours of continuing education, including 3 hours in the area of agency, 3 hours in the area license law, 3 hours in the area of contracts, and 3 hours in the area of trust accounts, to be completed by November 27, 2003.
Section 81-885.24(2) by 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 in that the information relayed to owners when they called in did not clearly set forth the services to be provided by Respondent; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker in that the time share owners who paid an up-front advertising and marketing fee were charged prior to Respondent obtaining a signed listing, and were not informed if they had already listed the property and were charged a	2002-047 - Nancy Jones, Heidi Todd & Angela Rogers vs. Linda Eileen Miller	July 16, 2003	Stipulation & Consent Order. License suspended for 2 years from July 16, 2003, through July 15, 2005, with the entire period stayed and served on probation; plus an additional 9 hours of continuing education, including 3 hours in the area of trust accounts, 3 hours in the area of agency, and 3 hours in the area of license law, to be completed by July 15, 2004.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
second up-front advertising and marketing fee. The up-front advertising and marketing fees were placed into Respondent's operating account prior to obtaining written permission of a principal to place said funds in the operating account.	2002-047 - Nancy Jones, Heidi Todd & Angela Rogers vs. Linda Eileen Miller		
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.	2003-035 - Commission vs. Mary Catherine Larsen	July 16, 2003	Stipulation & Consent Order. License revoked.
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	2003-021 - Commission vs. Gary William Smith	August 20, 2003	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

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
for the buyers and to promote the interests of the buyers with 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 that 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 making a substantial misrepresentation in that Respondent represented to the buyers the furnace and air-conditioning system worked fine and an inspection would be a waste of money; § 81-885.24(29) 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.	2003-021 - Commission vs. Gary William Smith		be completed by February 29, 2004.
Section 81-885.24(5) when Respondent failed to deposit into a separate non-interest bearing checking account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in	2003-026 - Russell E. Kirkpatrick vs. Ronald J. Abboud	August 20, 2003	Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of trust accounts and 3 hours in the area of license law, to be completed by

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
the funds have agreed otherwise in writing; 81-885.24(29) by demonstrating negligence to act as a broker.	2003-026 - Russell E. Kirkpatrick vs. Ronald J. Abboud		November 27, 2003.
Section 81-885.24(2) by intentionally using advertising which is misleading or inaccurate in any material particular when Respondent sends correspondence regarding a listing to a client or customer on his own company letterhead rather than on letterhead under the direct supervision of the broker and not in the name the broker is conducting business as recorded with the Commission; 81-885.24(3) by failing to account for and remit any money or funds coming into his or her possession belonging to others; 81-885.24(24) by failing to place as soon after receipt as practicable, in the custody of his broker, any funds entrusted to him by any person dealing with him as the representative of his licensed broker; 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, to wit: Title 299, Ch. 2-003 by failing to advertise in the name his designated broker is conducting business as recorded with the Commission; and Ch. 3-003 by failing to account for money advanced by a buyer or seller for the payment of expenses in connection with the closing of a real estate transaction and advancing money by his principal for expenditures on behalf of said principal; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson; and 76-2419(2) by failing to exercise reasonable skill and care on behalf of a client and to promote the interest of the client with the utmost good faith, loyalty and fidelity as identified in 76-2417 and 76-2418.	2003-017 - Commission vs. Vincent Muniz, Sr.	September 24, 2003	Stipulation & Consent Order. License suspended for 5 years, from October 1, 2003, through September 30, 2008.
Section 76-2422(4) by failing to obtain the written consent of the seller and buyer, permitting Respondent Earl, as the authorized affiliated licensee for his designated broker, to serve as a dual agent before engaging in any of the activities enumerated in Subdivision (2), 81-885.01, by failing to include a licensees' duties and responsibilities specified in 76-2419 , and by failing to disclose the terms of compensation; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.	2003-008 - Steven Buchanan vs. Michael Patrick Earl & John Francis Lund, Jr.	November 12, 2003	Lund: Dismissed. Earl: Stipulation & Consent Order. License censured; plus an additional 3 hours of continuing education in the area of agency to be completed by January 12, 2004.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Respondent provided the sellers two false closing dates and did not advise the sellers that signing the Addendum to Purchase Agreement would reduce their net proceeds by $500.00, thus violated 76-2417(1)(c) by failing to meet her duties and obligations as a limited Seller's Agent to promote the interests of the client with the utmost good faith, loyalty, and fidelity; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.	2003-025 - Robert & Jeanette Soto vs. Beverly Arlene Redwine	November 12, 2003	Stipulation & Consent Order. License suspended for 15 days, from November 21, 2003, through December 5, 2003; plus an additional 3 hours in the area of contracts to be completed by January 12, 2004.
Section 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, 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 property management trust accounts in that monies were used from one owner to pay expenses for another owner, there were overages in the property management account and the records had not been timely reconciled; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as the broker; 76-2417(1) by failing to account in a timely manner for all money and property received on behalf of a client.	2003-046 - Commission vs. Carolyn Lee Carnley	November 12, 2003	Stipulation & Consent Order. License suspended for 2 years, from November 12, 2003, through November 11, 2005, with the entire period stayed and served on probation; plus an additional 6 hours of continuing education, including 3 hours in the area of license law and 3 hours in the area of trust accounts, to be completed by May 11, 2004.
Haer: 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 the time of listing the property for sale, the written consent of the seller/builder and the buyers to serve as dual agent. There- fore, violated 76-2422(4); 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a sales- person; 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 pre- pared and approved by the Commission, and failed to timely disclose in writing to the buyers the types of brokerage relationships the designated	2003-047 - Commission vs. Gregory G. Haer & Roger A. Nieman	November 12, 2003	Haer: 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. Nieman: 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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
broker and affiliated licensees are offering to the buyers or to disclose in writing to the buyers which party the Respondents were representing. Nieman: 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 Com- mission, 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.	2003-047 - Commission vs. Gregory G. Haer & Roger A. Nieman		
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 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	December 10, 2003	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.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson by failing to obtain the signature of the husband seller on the Warranty Deed and the Authorization to Receive Proceeds and Deliver Deed and by entering into the second and third	2003-043 - Commission vs. Matthew Alson Rasmussen	March 3, 2004	Stipulation & Consent Order. License suspended for two (2) years, with the first sixty (60) days served on suspension and the remainder of the period stayed and served on probation, from March 4, 2004,

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
listing agreements for property which was already listed without cancelling the first listing with the husband seller.	2003-043 - Commission vs. Matthew Alson Rasmussen		through March 3, 2006; plus an additional nine (9) hours of continuing education, including three (3) hours in the area of contracts, three (3) hours in the area of license law, and three (3) hour in the area of ethics, to be completed by September 3, 2004.
Section 76-2417(3)(a) by failing, as a seller's agent, to disclose in writing to the buyer all adverse material facts actually known by the licensee; Title 299, N.A.C., Ch. 5-003.20 by failing to disclose, in writing, to a buyer, at or prior to the time the buyer signs an Offer to Purchase, an adverse material fact regarding the condition of a parcel of real estate of which a broker or salesperson has knowledge. Said written disclosure shall be signed and dated by the buyer, and a copy of the signed and dated disclosure shall be maintained in the transaction file on that parcel of real estate; Ch. 5-003.25, failure by a licensee who knows of an error, inaccuracy, or omission in a Seller Property Condition Disclosure Statement completed pursuant to 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; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker.	2003-051 - Anthony W. & Barbara J. Bartram vs. Curtis Alan Spilker	March 3, 2004	Stipulation & Consent Order. License suspended for one hundred fifty (150) days, with the first sixty (60) days served on suspension and the remainder of the period stayed and served on probation, from March 5, 2004, through August 1, 2004; plus an additional nine (9) hours of continuing education, including three (3) hours in the area of disclosures, three (3) hours in the area of ethics, and three (3) hours in the area of license law, to be completed by August 1, 2004.
Section 81-885.24(11) by placing a sign on any property and offering it for sale without the written consent of the owner or his or her authorized agent when Respondent left the sign on the sellers' property after the expiration of the written listing agreement and 81-885.24(29) by demonstrating negligence to act as an associate broker by failing to remove the yard sign at the conclusion of the listing.	2004-001 - Andria & Leslie Davidson vs. David Scott Klein	April 1, 2004	Stipulation & Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed by September 30, 2004.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker by failing to exercise reasonable care to provide security for a client's property while said property was under his direct care and responsibility, acting in an unprofessional manner and failing to exercise good judgment by utilizing a private area of the	2004-029 - Commission vs. Gary W. Fenster	May 19, 2004	Stipulation & Consent Order. License censured; plus must complete a 12-hour pre-license education course offered in Iowa entitled "Developing Professionalism and Ethical Practices" by November 18, 2004.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
client's property without permission or regard for the client, and action was taken against Respondent's real estate license by another licensing jurisdiction.	2004-029 - Commission vs. Gary W. Fenster		
Section 81-885.24(29) by identifying the Seller as a customer instead of a client in one of the Acknowledgment of Disclosures dated September 11, 2002, by failing to identify the duties and obligations of a Limited Seller's Agent in the November 26, 2002 Uniform Commercial Listing Contract for Sale, and by adding Buyer No. 2 and Buyer No. 3 to the initial Uniform Commercial Listing Contract for Sale on April 17, 2003, after the initial Uniform Commercial Listing Contract for Sale had expired on March 31, 2002.	2004-009 - Commission vs. Sharon J. Martin, Salesperson.	May 26, 2004	Hearing held May 19, 2004. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by November 25, 2004.
Section 81-885.24(29) by making a false statement of material fact on an application, specifically, not reporting Respondent's previous Nebraska license or the revocation of said license.	2004-025 - Commission vs. John Ritums	September 23, 2004	Hearing held September 15, 2004. License revoked.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness, specifically, that the Respondent's license had previously been suspended by the State of Nebraska Department of Insurance and the violation involved money.	2004-028 - Commission vs. Lori Ann Reed	September 23, 2004	Hearing held September 16, 2004. License suspended for two (2) years, with the last year of said suspension stayed and served on probation, from September 23, 2004, through September 22, 2006; plus an additional six (6) hours of continuing education, including three (3) hours in the area of ethics and three (3) hours in the area of contracts, to be completed by September 22, 2005.
Section 81-885.24(25) by filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the titled real estate when no valid claim under the listing contract existed. Specifically, Respondent filed her Mechanic's Lien against one of the buyer's town homes in order to recover a commission; 81-885.24(29) by demonstrating negligence, incompetence, or unworthiness to act as a salesperson.	2004-032 - Jerome M. Meyer vs. Bonnie Lou Nemecek	October 18, 2004	Stipulation & Consent Order. License suspended for two (2) years from October 18, 2004, through October 17, 2006, with the entire period stayed and served on probation; 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 contracts, and three (3) hours in the area of ethics, to be completed by February 14, 2005.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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	2004-005 - Commission vs. Buree Stoval	December 7, 2004	Hearing held November 18, 2004. License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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.	2004-005 - Commission vs. Buree Stovall		
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	2003- 038 - Commission vs. Mark Lester Stecker	January 12, 2005	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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.	2003- 038 - Commission vs. Mark Lester Stecker		
Section 81-885.24 (2) and 81-885.24 (29) by placing false and misleading advertising in the Multiple Listing Service and in the local newspaper regarding the amenities of the listed property, and relying solely on the records of the County Assessor for square footage. The actions constitute negligence, incompetence or unworthiness to act as a salesperson.	2004-045 - Elisabeth Jensen vs. Jane Hartman Heimbouch & Linda J Dedic.	February 15, 2005	Linda J Dedic Dismissed and Jane Hartman Heimbouch License censured; plus an additional three (3) hours of continuing education in the area of License Law to be completed by May 28, 2005.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker by engaging in illegal conduct involving moral turpitude, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by failing to act competently, by knowingly using perjured testimony or false evidence, by knowingly making a false statement of law or fact and by violating Neb. Rev. Stat.§ 76-218 (reissue 1996) by violating the duties of a notary.	2004-061 - Commission vs. Stuart B. Mills.	May 16, 2005	Hearing held May 16, 2005. License suspended for a period of twenty four (24) months commencing on July 1, 2005 with the last 23 month served on probation. The balance of said suspension served on probation commencing on August 1, 2005.
Section 76-2418(1) by failing under subparagraph (b) to exercise reasonable skill and care for clients and under subparagraph (c) to promote the interest of the clients with the upmost good faith, loyalty and fidelity and violated Neb. Rev. Stat. 81-885.24(29) by demonstrating negligence to act as a salesperson as Respondent failed to exercise	2005-009 - Commission vs. Constance J. Nordhues	June 13, 2005	Stipulation & Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of Agency, to be completed by September 7, 2005.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
appropriate care in disclosing the effect of the written contract.	2005-009 - Commission vs. Constance J. Nordhues		
Section 76-2417 (1) (b) by failing to exercise reasonable skill and care for the client, and (c) by failing to promote the interests of the client with the utmost good faith, loyalty, and fidelity, and, Neb. Rev. Stat. 81-885.24 (29) by demonstrating negligence to act as a salesperson for providing a key to the client's property to a potential buyer.	2005-008 - Jeffrey E. Williamson & Connie A. Williamson vs. Troy Lynn Musick	August 24, 2005	Stipulation & Consent Order. License censured; plus three hours of additional continuing education in the area of Agency, to be completed by November 22, 2005.
Section 81-885.24 (29) by demonstrating unworthiness to act as a broker by attempting to collect a commission from the clients prior to a proposed closing.	2005-015 - Carmon D Yusten vs. Charlotte Irene James	October 13, 2005	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of license law and three (3) hours in the area of Ethics, to be completed by February 9, 2006.
Section 76-2417 (1) A licensee representing a seller or landlord as a seller's or 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; 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; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence and unworthiness to act as a broker.	2005-022 - Kathi Ward vs. Bruce Daniel Abraham	November 16, 2005	Stipulation and Consent Order. License suspended for a period of twenty four (24) months commencing on November 16, 2005, through November 16, 2007, with the entire period served on probation; plus an additional nine (9) hours of additional continuing education with three (3) hours being in the area of agency, three (3) hours in the area of license law, and three (3) hours in the area of ethics, all to be completed by March 16, 2006.
Section 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,	2005-047 - Commission vs. Nada Resnik-McNenny	November 16, 2005	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency, and three (3) hours in the area of license law to be completed by February 14, 2006.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
and whether an offer of subagency may be made to any other designated broker; and Neb. Rev. Stat. § 81-885.24 (29) by demonstrating negligence to act as a broker.	2005-047 - Commission vs. Nada Resnik-McNenny		
Section 81-885.24 (26) by violation of 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 Chapter 5-003.17, by failing to produce documents, books and records in the licensee's possession, or under her control, concerning any real estate transaction under investigation by the Commission as requested by the Commission on December 17, 2004; Neb. Rev. Stat. § 81-885.24 (29) by demonstrating negligence, incompetency or unworthiness to act as a broker, by utilizing, or allowing the utilization, of services of individuals without an "active" Nebraska real estate license for time-share sales in Nebraska on behalf of a Florida time-share development for which she was the designated broker; and by failing to provide transaction files when requested on December 17, 2004.	2005-017 - Commission vs. Roberta L. Springer	November 16, 2005	Stipulation and Consent Order. License revoked.
Section 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 for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including; (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; and Neb. Rev. Stat. § 81-885.24 (29) by demonstrating negligence to act as a salesperson.	2005-030 - Michael Inzauro vs. Russell Allen Craig	November 16, 2005	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 February 14, 2006.
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	2005-050 - Barry and Peggy Franzen vs. Debbie A. Runge-Jesch	February 23, 2006	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2005-050 – Barry and Peggy Franzen vs. Debbie A. Runge-Jesch		
Section 81-885.24 (22) Making any substantial misrepresentations, for representing the size of a lot as 5 acres in size when the lot was only 3.5 acres in size; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence to act as an associate broker by representing the size of a lot as 5 acres in size when the lot was only 3.5 acres in size.	2005-045 - Glen and Peggy Evert vs. Jeannine Ruth Guthrie	March 23, 2006	License censured; plus an additional three (3) hours of continuing education in the area of disclosures to be completed by June 23, 2006.
Section 81-885.24 (21) Failing to notify the Commission of the name of the bank, savings bank, building and loan association, or savings and loan association in which a trust account is maintained and the name of the account on forms provided therefore; 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, specifically, Title 299 Chapter 3-002, which requires every broker to maintain a bookkeeping system which will clearly and accurately disclose full compliance with the law relating to the maintaining of trust accounts; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, by failing to notify the commission of the name of the bank, savings bank, building and loan association, or savings and loan association in which the trust account is maintained and also the name of the account on forms provided therefore, and failing to maintain a bookkeeping system which will clearly and accurately disclose full compliance with the law relating to the maintaining of trust accounts.	2006-014 - Commission vs. Taryn Jo Long	March 23, 2006	Stipulation and Consent Order. License suspended for a period of two (2) years commencing on March 23, 2006, through March 22, 2008, with the entire period served on probation; plus an additional six (6) hours of continuing education with three (3) hours being in the area of license law, and three (3) hours in the area of trust accounts, all to be completed by July 20, 2006.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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: (a) To perform the terms of the written agreement made with the client; (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, by failing to attend all showings of the property and by placing a lock box on the home when directed not to; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by failing to attend all showings of the property, by placing a lock box on the home when directed not to, and by attempting to collect compensation not authorized under the terms of the Listing Agreement.	2005-066 - Kathy Uhler and Terry Harimon vs. Daniel Frederick Dickinson	May 3, 2006	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of license law, all to be completed by August 1, 2006.
Section 81-885.24 (29) Demonstrating negligence to act as a salesperson by failing to responsibly ensure that all proper documentation relating to the transfer of her real estate license had been received by the Nebraska Real Estate Commission, and that her real estate salesperson's license had been properly transferred from "inactive" status to "active" status prior to participating in a licensed real estate activity.	2006-008 - Commission vs. Michelle Lynn Haywood	May 3, 2006	License censured; plus an additional six (6) hours of continuing education in the area of license law, all to be completed before transferring to "active" status.
Section 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 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 regardless of whether the client is already a party to a contract to purchase property or is already a party to a contract or a letter of intent to lease, by failing to present the Offer in Transaction #1 in a timely manner; 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	2006-030 - Commission vs. Daniel Jay Dunne	June 14, 2006	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, all to be completed by September 12, 2006.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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, by failing to have the seller sign the Consent To Dual Agency Agreement in Transaction #3 until February 3, 2006, which was the day following acceptance of the Offer by the seller; and Neb. Rev. Stat. §81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Dunne failed to present an Offer to the seller in a timely manner; Dunne inaccurately disclosed to a buyer that he was acting as a limited Buyer's Agent when he was actually acting as a limited Seller's Agent; and Dunne failed to have the seller sign the Consent To Dual Agency Agreement until February 3, 2006, which was the day following acceptance of the Offer.	2006-030 - Commission vs. Daniel Jay Dunne		
Section 81-885.24 (22) Making any substantial misrepresentations, by incorrectly advertising the property as "nearly three acres" in size when the property was actually 1.3 acres in size, and by disseminating to the public, a postcard bearing a picture of a home other than the home actually listing by Respondent; and Neb. Rev. Stat. §	2005-040 - Commission vs. Steven Lee Taylor	June 14, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of disclosures to be completed by June 23, 2006.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
81-885.24 (29) Demonstrating negligence to act as a salesperson, by incorrectly advertising the property as “nearly three acres” in size when the property was actually 1.3 acres in size, and by disseminating to the public, a postcard bearing a picture of a home other than the home actually listed by the Respondent.	2005-040 - Commission vs. Steven Lee Taylor		
Section 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; 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; 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 activity under a designated broker other than his employing broker and Title 299, Chapter 2-010 The consent required from the broker employing, i.e. 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 Neb. Rev. Stat. 81-885.24(7) and (8), respectively, shall be given in writing 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. A copy of the consent shall be maintained by the employing broker for five years following the date of such consent.] Nichols conducted a licensed real estate activity for a broker other than his employing broker and conducted the activity without his employing broker’s written consent.	2005-061 - Charles W. Concannon vs. Mark A. Nichols and	August 24, 2006	Beverly Nichols - Dismissed. Mark Nichols - Stipulation and Consent Order. License suspended for a period of ninety (90) days, commencing on August 29, 2006 and continuing through November 27, 2006; plus an additional twelve (12) hours of continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, three (3) hours in the area of disclosures, and three (3) hours in the area of ethics, to be completed by December 22, 2006.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24 (29) Demonstrating negligence to act as a salesperson.] Jeffers conducted an activity regulated by another agency of state government without being properly licensed.	2006-005 - Commission vs. David Emerson Jeffers	August 24, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of ethics to be completed by November 22, 2006.
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 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	2006-039 - Commission vs. Ronald A. Henn	August 24, 2006	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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	2006-039 - Commission vs. Ronald A. Henn		

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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.	2006-039 - Commission vs. Ronald A. Henn		
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	2006-025 - Gary and Patty Cranmer vs. Joan Elizabeth Kuehl	October 5, 2006	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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.	2006-025 - Gary and Patty Cranmer vs. Joan Elizabeth Kuehl		
Section Title 299 Chapter 5-003.25 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	2006-028 - Tammy Chaudoin vs. Gunner E. Brown	November 2, 2006	Stipulation and Consent Order. License suspended for a period of fifteen (15) days, commencing on November 28, 2006 and continuing through December 13, 2006; plus an additional six (6) hours of

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
purchaser and the seller. Such disclosure shall be attached to the Seller Property Condition Disclosure Statement; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence to act as a salesperson.] Brown failed to disclose to the potential purchaser and the seller, in writing, an error or inaccuracy in a Seller Property Condition Disclosure Statement of which he had knowledge. Violated terms of a previous Stipulation and Consent Order dated November 2, 2006, pertaining to Complaint 2006-028.	SC 2007-002 Commission vs. Gunnar E. Brown	Show Cause Hearing March 29, 2007	continuing education with three (3) hours in the area of license law and three (3) hours in the area of ethics to be completed by January 31, 2007. Stipulation and Consent Order. License suspended for a period thirty (30) days to commence on April 2, 2007, and continue through May 1, 2007, followed by a probation period of six (6) months commencing on May 2, 2007, and continuing through November 1, 2007; 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 ethics. Courses must be taken in an in-class format and be completed by September 29, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson by accessing the subject property using his lockbox key for an unauthorized purpose.	2006-029 -Tamara S. Leif vs. Joshua Paul Cooley	November 2, 2006	Hearing held November 2, 2006. License suspended for a period of one year with the first month actually served on suspension and the last 11 months served on probation to commence upon activation of his real estate salesperson's license; 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 ethics all to be completed prior to activating his real estate salesperson's license.
Section 81-885.21 (1) Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separate, insured non-interest-bearing checking account in this state in his or her name or the name under which he or she does business which shall be designated a trust account in which all down payments, earnest money deposits, or other trust funds received by him or her, his or her associate brokers, or	2006-046 - Commission vs. Lucie Jungjohann-Hazel	November 2, 2006	Stipulation and Consent Order. License revoked.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
his or her salespersons on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all parties having an interest in the funds have agreed otherwise in writing; Title 299 Chapter 3.001 It shall be the duty of every broker to preserve for five years, following its consummation, records relating to any real estate transaction; 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; Title 299 Chapter 3.002 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; Neb. Rev. Stat. § 81-885.24 (5) Failing to maintain and deposit in a separate non-interest-bearing checking account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; Neb. Rev. Stat. § 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others; Jungjohann commingled money of her principals with her own; and Jungjohann demonstrated negligence, incompetence, or unworthiness to act as a broker.	2006-046 - Commission vs. Lucie Jungjohann-Hazel		
Section 81-885.24 (22) Making any substantial misrepresentations and Neb. Rev. Stat. § 81-885.24 (29) by demonstrating unworthiness to act as a salesperson. Clark explicitly and falsely representing that he was licensed to act as a real agent under Iowa law; Clark implicitly represented through his actions that he could lawfully assist the buyers in negotiating for the purchase of an Iowa property and that he could lawfully prepare an offer to purchase on the Iowa property; and Clark engaged in acts in violation of the laws of the State of Iowa requiring an Iowa real estate license.	2005-028 - Commission vs. David M. Clark	November 2, 2006	Hearing held January 18, 2006. Appealed to the District Court of Lancaster County. Appeal dismissed October 10, 2006. License suspended for twelve (12) months with suspension to begin on November 13, 2006, with the first month served on suspension. The balance of said suspension served on probation to commence on December 13, 2006, and continue through November 12, 2007; plus six (6) hours of additional continuing education with three (3) hours in the area of license law and three (3) hours in the

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2005-028 - Commission vs. David M. Clark		area of agency, all to be completed by November 13, 2007.
Section 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 conduct an independent measurement of the square footage of the subject home to resolve the discrepancy between two different square footages, specifically 2,264 square feet and 2,688 square feet.	2006-066 - Commission vs. Georgianna Vint	December 14, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of license law to be completed by March 14, 2007.
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: (a) To perform the terms of the written agreement made with the client; (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 (d) To account in a timely manner for all money and property received; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, whether of the same or of a different character as otherwise specified in this section, for taking seven (7) months to turn a tenant issue over to the local Credit Bureau for collection; by failing to provide the Complainant with monthly income and expense statements during the period October, 2005, through May, 2006; and by failing to facilitate, as agreed upon, the restoration of electricity to the barn, the new fencing, and the restoration of the pasture area.	2006-019 - Melvin H. Willems vs. Thomas Eugene Dover, Jr.	December 14, 2006	Stipulation and Consent Order. License suspended for a period of two (2) years with the entire suspension period served on probation commencing December 14, 2006, and continuing through December 15, 2008, plus an additional twelve (12) hours of continuing education to include three (3) hours in the area of license law, three (3) hours in the area of trust accounts, three (3) hours in the area of agency, and three (3) hours in the area of contracts, to be completed by April 13, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for notarizing the signature of Complainant without the Complainant being in his presence to sign the documents and for allowing another person to sign the Complainant's name to the Listing Agreement and Offer to Purchase without first verifying that the person had the Complainant's written consent to sign such contracts under a duly-executed Power-of-Attorney.	2006-043 - Dwain Luhr vs. Robert L Hupp	December 14, 2006	Stipulation and Consent Order. License suspended for a period of six (6) months, with the first thirty (30) days actually served on suspension and the remainder of the six (6) month period served on probation. Suspension period to commence within thirty (30) days of the date of this Order is approved and accepted by the Commission; plus an additional nine (9) hours of continuing

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2006-043 - Dwain Luhr vs. Robert L Hupp		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 ethics, to be completed by June 8, 2007. Also the Facts surrounding the improper notarization must be voluntarily submitted to the Nebraska Secretary of State's Office, Notary Division.
Section 81-885.24 (29) Demonstrating negligence to act as a broker for filing a lien against the subject new-construction home when she had no legal basis for doing so.	2006-052 - Mark Resseguie, Innovative Homes and Design Inc vs. Nada Resnik-McNenny	January 25, 2007	Stipulation and Consent Order. License suspended for a period of thirty (30) days, commencing January 26, 2007, through February 25, 2007; plus nine (9) hours of additional continuing education with 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 ethics.
Section 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; Title 299 Chapter 5-003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence to act as a broker, specifically, Fox failed to obtain a signed Listing Agreement from the seller when listing the property; Fox failed to reduce the Polaks' offer to writing when the Polaks requested their offer be submitted; and Fox failed to contact the Polaks after advising them he would if an Offer was received from any other buyer.	2006-055 - Henry A. and Maxine M. Polak vs. Michael Steven Fox	February 7, 2007	Stipulation and Consent Order. License censured; plus nine (9) hours of additional continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, and three (3) hours in the area of ethics to be completed by August 6, 2007.
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)	2006-065 Neal R. Straight vs. Jeanene Elsie Roth	May 24, 2007	Stipulation and Consent Order. License censured; plus six (6) hours of additional continuing education with three (3) hours

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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; Neb. Rev. Stat. § 81-885.24 (22) making any substantial misrepresentations; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Roth advised the seller that seller would have sufficient time after closing to remove seller's personal possessions from the home and garage, when in fact, seller should not have had access to the home after closing without the buyer's authorization. Further, Roth did not convey the correct countered price from seller to the buyers.	2006-065 Neal R. Straight vs. Jeanene Elsie Roth		in the area of license law and three (3) hours in the area of agency to be completed by November 20, 2007.
Maloney: Section 81-885.24 (29) demonstrating negligence to act as a broker. Maloney prepared advertising and disseminated the advertising to the public, i.e., a flyer and a Multiple Listing Service Detail Report, that incorrectly identified the number of acres. Curtis: Section 76-2419 (2) A dual agent shall be a limited agent for both the seller and buyer or the landlord and tenant and shall have the duties and obligations required by sections 76-2417 and 76-2418 unless otherwise provided for in this section; 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 client and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence to act as a salesperson. Curtis failed to exercise reasonable skill and care for the buyer and failed to promote the interests of the buyer with the utmost good faith, loyalty, and fidelity by failing to write the buyer's Offer to include two (2) tractors and the required implements needed to mow the lawn, and by signing transaction documents "Margaret T. Maloney by Tracy Curtis", instead of signing the transaction documents as Tracy Curtis.	2006-050 Emilio Zuniga vs. Margaret Theresa Maloney and Tracy Gayle Curtis	May 24, 2007	Stipulation and Consent Order. Maloney: License censured; plus three (3) hour of additional continuing education in the area of license law to be completed by November 20, 2007. Curtis: License censured; plus six (6) hours of additional continuing education with three (3) hours in the area of agency and three (3) hours in the area of contracts to be completed by November 20, 2007.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as brokers, for failing to exercise due diligence in verify the actual size of the property before advertising it to be “1.5 acres more or less”, and for failing to have a written subagency agreement between themselves agreeing to their subagency relationship.	2006-032 Jon Schwartz and Terry Hurt vs. Jack Raymond Nitz and Jay D. Nitz and 2006-067 Commission vs. Jack Raymond Nitz and Jay D. Nitz	May 24, 2007	Joint Hearing held May 24, 2007. Jack Raymond Nitz: License censured; plus three (3) hours of additional continuing education in the area of agency, to be completed by November 27, 2007. Jay D. Nitz: License censured; plus three (3) hours of additional continuing education in the area of disclosures, to be completed by November 27, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker by failing to deliver the keys to the purchasers and for telling the purchaser that: they were not the owners of the property; they did not have clear title to the property; that he would be placing a lien against the home; and if the purchasers entered the property, he would have them arrested.	2006-074 Robin T. Schmid, Jeffrey Beaudette and Melissa Larson vs. Keith Eugene Morris	June 28, 2007	Stipulation and Consent Order dated June 28, 2007. License suspended for a period of thirty (30) days which shall commence within 30 days of June 28, 2007, which is the date the Order was accepted by the Commission and hence, will continue for thirty (30) days thereafter; plus an additional three (3) hours of continuing education in the area of ethics to be completed by December 25, 2007.
Section Title 299 Chapter 5-003.20, Failure to disclose, in writing, to a buyer, at or prior to the time the buyer signs an Offer to Purchase, an adverse material fact regarding the condition of a parcel of real estate of which a broker or salesperson has knowledge. Said written disclosure shall be signed and dated by the buyer, and a copy of the signed and dated disclosure shall be maintained in the transaction file on that parcel of real estate in accordance with 299 NAC 3-001. An adverse material fact is one which significantly affects the desirability or value of the property, and which is not reasonably ascertainable or known to the buyer; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; and Neb Rev. Stat § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker by failing to disclose, in writing, that the subject property had liens filed against the property and representing that the property was free and clear of liens or encumbrances.	2006-076 Kirk Helmink, Nebraska Dirtworks, Inc vs. Ronald James Perry	June 28, 2007	Stipulation and Consent Order. License suspended for a period of one (1) year, to commence on July 6, 2007, and to continue through July 6, 2008; plus an additional three (3) hours of continuing education in the area of ethics to be completed by December 25, 2007.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson for allowing the buyers to remain in seller's home unattended.	2007-002 Robert J. Swatek vs. Thomas F. Kean	June 28, 2007	Stipulation and Consent Order. License suspended for a period of twelve (12) months, with the first thirty (30) days actually served on suspension. Suspension period to commence on August 1, 2007. The balance of said suspension served on probation will commence on August 31, 2007, and continue through July 31, 2008; plus an additional six (6) hours of continuing education with three (3) hours in the area of ethics and three (3) hours in the area of license law, to be completed by December 25, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson for having been found in violation of the Iowa Real Estate Commission's license law and for conducting the unlicensed practice of real estate in the State of Iowa.	2007-019 Commission vs. Annette Marie Hirsch	June 28, 2007	Stipulation and Consent Order. License suspended for a period of twelve (12) months, with the first thirty (30) days actually served on suspension. Suspension to commence within 30 days of transferring her real estate salesperson's license from "inactive" status to "active" status; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of license law, to be completed by December 25, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker for having been found in violation of the Iowa Real Estate Commission's license laws and for failing to supervise a salesperson by allowing the salesperson to conduct the unlicensed practice of real estate in the State of Iowa.	2007-020 Commission vs. Dennis Lee Nelson	June 28, 2007	Stipulation and Consent Order. License Censured.
Section 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson for having been charged and convicted of multiple alcohol-related misdemeanor offenses.	2007-021 Commission vs. Timothy Sean Caffery 2007-021 Commission vs.	July 10, 2007	Stipulation and Consent Order. License suspended for a period of three (3) years, with the entire period served on probation, to commence on July 10, 2007 and continue through July 9, 2010. If

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	Timothy Sean Caffery		Respondent Timothy Sean Caffery is charged and convicted of another criminal offense during said three (3) year period which involves the use or possession of pertaining to the Driving Under the Influence - 3rd Offense conviction, said probation shall be immediately revoked effective on the date of conviction of said charge, and Respondent Timothy Sean Caffery shall not engage in any activity in the State of Nebraska that requires the holding of a Nebraska real estate license for the balance of the three (3) year period. The suspension would then remain in effect for the remainder of the three (3) year period even if said conviction is appealed to a higher Court. Respondent Timothy Sean Caffery understands that any new conviction of a criminal offense involving alcohol or a controlled substance as described earlier, will result in a new complaint being filed by the Nebraska Real Estate Commission with respect to such conviction.
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	2007-042 Commission vs. Tia Lyn Stratton	August 23, 2007	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
unworthiness to act as salesperson, for failing to complete the required Agency Disclosure.	2007-042 Commission vs. Tia Lyn Stratton		
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, for failing to return the listing agent's telephone calls and for failing to keep the listing agent informed as to the status of the buyer's loan.	2006-064 Ronald S. Kopiasz vs. Gustavo A. Buenrostro	August 23, 2007	Stipulation and Consent Order. License suspended for a period of sixty (60) days, to commence within thirty (30) days of August 23, 2007; plus six (6) hours of additional continuing education with three (3) hours in the area of ethics and three (3) hours in the area of agency to be completed by February 19, 2008.
Section 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: (d) To account in a timely manner for all money and property received. Buenrostro failed to account for the $500.00 earnest money deposit; Neb. Rev. Stat. § 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others. Buenrostro failed to account for and remit the earnest money deposit of $500.00; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Buenrostro allowed Respondent Loza to participate in the real estate transaction knowing that he was a licensed salesperson employed by another designated broker.	2006-068 Raymond M. Zendejas vs. Angel Ramon Loza and Gustavo A. Buenrostro.	August 23, 2007	Loza: Continued until further notice. Buenrostro: Stipulation and Consent Order. License suspended for one hundred twenty (120) days, followed by one hundred eighty (180) days of probation, to commence immediately upon completion of the suspension period given the Respondent Buenrostro under Complaint 2006-064; plus six (6) hours of additional continuing 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 February 19, 2008.
Section 81-885.24 (22) Making any substantial misrepresentations and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Yates misrepresented the terms of the lease between seller and tenant to the purchaser.	2007-015 Lindsey DeBerry vs. Shannon Kole Yates	October 11, 2007	Stipulation and Consent Order. License censured; plus six (6) hours of additional continuing education with three (3) hours in the area of contracts and three (3) hours in the area of license law to be completed by April 8, 2008.
Section Title 299, Ch. 3-002 Every broker shall maintain a bookkeeping system which will disclose full compliance with the law relating to the maintaining of trust accounts. Van Horne failed to maintain a bookkeeping system which accurately and clearly accounted for trust funds received and	2008-002 - Commission vs. Carolyn Van Horne	January 25, 2008	Stipulation and Consent Order. License suspended for a period of two (2) years commencing on January 25, 2008, continuing through January 25, 2010, with the entire suspension period served on

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
disbursed from her real estate trust account. Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Van Horne failed to maintain a bookkeeping system which accurately and clearly accounted for trust funds received and disbursed from her real estate trust account; failed to reconcile monthly bank statements on a timely basis; failed to prepare a monthly Trial Balance identifying the property owner(s) and the amount of the property owner's trust funds in the trust account as of the date of the monthly bank statement reconciliation; and Van Horne improperly allowed a property owner's sub-ledger to reflect a negative cash balance.	2008-002 - Commission vs. Carolyn Van Horne		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 trust accounts, all to be completed by July 22, 2008.
Jeffrey Nelson Searcy: Section 81-885.24 (29) Demonstrating negligence to act as a salesperson because he allowed Mary C. Searcy to participate in the pre-listing discussion during which time he failed to disclose to Murphy that Mary C. Searcy and other members of the "Searcy Team" would not be acting as limited Seller's Agents and representing Murphy in the transaction but instead would be acting as limited Buyer's Agents, as Mary C. Searcy did. Mary C. Searcy: Section 81-885.24 (29) Demonstrating negligence to act as a salesperson because she failed to disclose to Murphy that she and other members of the "Searcy Team" would not be limited Seller's Agents and would not be representing Murphy in the transaction, but instead would be acting as limited Buyer's Agents in the event a suitable buyer was located by her or any other "Searcy Team" member.	2007-030 James L. Murphy vs. Jeffrey Nelson Searcy and Mary C. Searcy	March 7, 2008	Stipulation and Consent Order. Jeffrey Nelson Searcy : 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 September 3, 2008. Mary C. Searcy: 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 September 3, 2008.
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.	2007-034 Geri Tanderup vs. Marlene K. Jussel	March 6, 2008	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 are of license law and three (3) hours in the area of contracts to be completed by September 2, 2008.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24 (29) by demonstrating unworthiness to act as a broker for having been convicted of four (4) Driving Under the Influence charges and for failing to report the Driving Under the Influence conviction relating to the June 2005 incident to the Nebraska Real Estate Commission on his real estate renewal application for 2006.	2007-012 Commission vs. Kevin Dean Irish	March 6, 2008	Hearing held March 6, 2008. License suspended for two (2) years, with the entire suspension period stayed and served on probation to commence April 18, 2008, and continue through April 17, 2010. Kevin Dean Irish must abstain from alcohol; attend Alcoholics Anonymous meetings on a regular basis and provide documentary proof of such regular attendance on, at least, a monthly basis to the Commission; obtain a sponsor and provide documentary proof of such sponsorship to the Commission; and if charged with another criminal offense during the two (2) year period, Irish must report such charge to the Commission within seven (7) days of such charge.
Section 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others, for failing to transmit January 2007 rents to the Corporation's new property manager; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker, by overcharging and duplicating charges to the Corporation for hall cleaning; for failing to stop the lawn mowing service; for failing to obtain prior authorization from a member of the Corporation for an expense over $1,000.00; for failing to ensure tenants properly transferred utilities into their name; for allowing tenants to remain in a property without paying monthly rent; for improperly charging a tenant late fees; and for failing to transmit January 2007 rents to the Corporation's new property manager.	2007-011 Kathryn Adkisson and Linda Vogt vs. Michael Ray Holroyd	April 4, 2008	Stipulation and Consent Order. License suspended for a period of two (2) years, with the entire suspension period stayed and served on probation, to commence on April 24, 2008 and will continue through April 23, 2010; plus an additional twelve (12) hours of continuing education with three (3) hours in the area of agency, three (3) hours in the area of contracts, three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed and proof of completion submitted to the Commission by October 1, 2008.
Section 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 client and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity and Neb. Rev. Stat. § 81-885.24 (29) demonstrating	2007-036 David L. and Shelley M. Pokorny vs. James Wilbur Muller	April 4, 2008	Stipulation and Consent Order. License Censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of license law to be completed by October 1, 2008.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
negligence to act as a broker, associate broker, or salesperson. Muller failed to advise the client to have a whole-house inspection.	2007-036 David L. and Shelley M. Pokorny vs. James Wilbur Muller		
Gary Bert Stoneburg: 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. Mark A. Nichols: Section 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, 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	2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols.	April 17, 2008	Hearing held April 3, 2008. Gary Bert Stoneburg: 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. Mark A. Nichols: 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. Beverly Alice Nichols: 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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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. Beverly Alice Nichols: Section 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 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 obtained the required prior written consent from her then employing broker to represent another employing broker.	2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols.		
Section 76-2422 (4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a	2008-014 Commission vs. Michael Patrick Earl	May 5, 2008	Stipulation and Consent Order. License censured; plus an additional three (3)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; 81-885.24 (22) Making any substantial misrepresentations for misrepresenting himself in the Purchase Agreement and throughout the transaction to be a limited Buyer's Agent when actually he was acting as a limited Dual Agent without the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson for misrepresenting himself in the Purchase Agreement and throughout the transaction to be a limited Buyer's Agent in the transaction and for failing to obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction.	2008-014 Commission vs. Michael Patrick Earl		hours of continuing education in the area of agency to be completed by November 1, 2008.
Section 81-885.24 (29) Demonstrating unworthiness to act as a broker by permitting his salesperson to implicitly represent to the buyers through his actions that he could	2005-027 Commission vs. John C. Clark	July 18, 2008	Hearing held January 18, 2006. Appealed Commission's decision to District Court. Commission's decision

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
lawfully assist the buyers in negotiating for the purchase of an Iowa property and that he could lawfully prepare an Offer to Purchase on the Iowa property; by permitting the salesperson to engage in acts requiring a real estate license in the State of Iowa in violation of the laws of the State of Iowa; and for being sanctioned by the Iowa Real Estate Commission for violations of Iowa law relating to the Iowa transaction.	2005-027 Commission vs. John C. Clark		affirmed by District Court on January 30, 2007. Appealed District Court's decision to Court of Appeals. District Court's decision affirmed by Court of Appeals on May 20, 2008. License suspended for a period of twenty four (24) months, with the first sixty (60) days actually served on suspension. The suspension commenced on July 16, 2008, and will continue through September 13, 2008, followed by the probation period commencing on September 14, 2008, and continuing through July 15, 2010; plus twelve (12) hours of additional continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, three (3) hours in the area of contracts, and three (3) hours in the area of ethics, all to be completed by May 20, 2009.
Larry Melichar: Dismissed. Kenneth Muckey: Section Title 299, Chapter 5-003.11, 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. This subsection shall not apply to the sale of land or a lot or lots to an entity or individual representing itself, himself or herself as a builder or developer; agricultural property; commercial property, including residential property with five or more	2007-061 - Christin Pruess and R.E.L.M. Investors, LLC vs. Kenneth Alan Muckey and Larry Dean Melichar	September 26, 2008	Larry Melichar: Dismissed. Kenneth Muckey: Stipulation and Consent Order. License suspended for sixty (60) days followed by one (1) year probation. The suspension period will commence on October 29, 2008, and will continue through December 28, 2008. The probationary period will commence on December 29, 2008, and will continue through December 28, 2009; plus an additional six (6) hours of continuing education with three (3) hours in the area of contracts and three (3) hours in the area of ethics to be completed by March 25, 2009.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
dwelling units; or to third-party relocation companies acting as purchasers. For the purposes of this subsection, the term "agricultural property" shall mean property zoned agricultural by a county in which any part of the property is located, or, if a county does not zone land agricultural, then property any part of which is assessed as agricultural property by a county assessor; Title 299, Chapter 5-003.24, 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; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Respondent Muckey failed to have Complainant date and sign “estimated” closing cost statements for $18,500.00 and $20,000.00; failed to obtain the signed receipt of Complainant on the Seller Property Condition Disclosure Statement; signed Complainant’s name to the “estimated” closing cost statements for $18,500.00 and $20,000.00, and signed Complainant’s name to the Seller Property Condition Disclosure Statement.	2007-061 - Christin Pruess and R.E.L.M. Investors, LLC vs. Kenneth Alan Muckey and Larry Dean Melichar		
Section 81-885.24(29) demonstrating unworthiness to act as a broker for having her insurance producer’s license revoked by the Nebraska Department of Insurance based upon the following facts admitted by Beyer in a Consent Order dated January 2, 2008: (a) accepting insurance premiums in excess of $40,000.00 from consumers as an agent for Stewart Title and failing to remit such premiums to Stewart Title; (b) accepting insurance premiums in excess of $11,900.00 from consumers as an agent for Union General and failing to remit such premiums to Union General; and (c) charging title insurance premiums and/or fees to consumers which were not in accord with the filed rates of the insurer.	2008-008 - Commission vs. Sally Joanne Beyer	August 28, 2008	Hearing held August 28, 2008. License revoked.
Section 81-885.24 (22) Making any substantial misrepresentation and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson by indicating in the receipt section of Offer to Purchase that she had received an earnest money	2007-070 Jeremy and Cristal Hansen vs. Kerri Lea Pearson	October 30, 2008	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of contracts and three (3) hours in the area of license law to be

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
deposit of $500.00, when in fact she had not received said earnest money deposit.	2007-070 Jeremy and Cristal Hansen vs. Kerri Lea Pearson		completed by April 28, 2009.
Section 81-885.24 (18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a nonresident who is licensed in his or her resident regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country; 81-885.24 (22) Making any substantial misrepresentations; 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430; 76-2418 (3) (a) A licensee acting as a buyer's or tenant's agent owes no duty or obligation to a seller, a landlord, or a prospective seller or landlord, except that the licensee shall disclose in writing to any seller, landlord, or prospective seller or landlord all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts concerning the client's financial ability to perform the terms of the transaction. (b) A buyer's or tenant's agent owes no duty to conduct an independent investigation of the client's financial condition for the benefit of the customer and owes no duty to independently verify the accuracy or completeness of statements made by the client or any independent inspector; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Headlee provided compensation for past and future referrals to a person who had not first secured his or her license under the Nebraska Real Estate License Act; Headlee made material misrepresentations to the buyer with respect to Headlee's knowledge about termites on the property; and, Headlee failed to disclose to the buyers, in writing, an adverse material facts regarding termites which fact was actually known by Headlee.	2007-064 Commission vs. John Steven Headlee	December 4, 2008	Stipulation and Consent Order. License suspended for a period of thirty (30) days immediately followed by eleven (11) months probation. Suspension period commenced on December 5, 2008, and continued through January 4, 2009. The probationary period commenced on January 5, 2009, and continues through November 5, 2009; plus an additional nine (9) hours of continuing education with three (3) hours in the area of disclosures, three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed by June 3, 2009.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Gibb, Hinkel and Noland: Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for conducting the unlicensed practice of real estate in the State of Iowa when their respective real estate license was inactive, lapsed or expired, and for having an action taken against their respective Iowa real estate license by the Iowa Real Estate Commission. Leisey: Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for conducting the unlicensed practice of real estate in the State of Iowa when their respective real estate failing to supervise his affiliated Iowa licensees and for having an action taken against his Iowa real estate broker's license by the Iowa Real Estate Commission.	2008-030 Commission vs. Richard Lynn Gibb, Sherri Lynn Hinkel, Susan Marie Noland and Vincent W. Leisey	January 22, 2009	Stipulation and Consent Order. Licenses censured.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Kelly conducted the unlicensed practice of real estate in the State of Iowa when his real estate broker's license was inactive, lapsed or expired, and had an action taken against his Iowa real estate broker's license by the Iowa Real Estate Commission.	2009-007 Commission vs. Daniel Patrick Kelley	February 19, 2009	Stipulation and Consent Order. License censured.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Plum had an action taken against her Iowa real estate salesperson's license by the Iowa Real Estate Commission.	2009-008 Commission vs. Diane K. Plum	February 19, 2009	Stipulation and Consent Order. License censured.
Section 76-2422 (6) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker who intends to establish an 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 shall 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. Any agreement under this subsection shall be subject to the common law requirements of agency applicable to real estate licensees; and violated	2008-018 Scott Annon Boyer vs. David Joseph Paladino	April 17, 2009	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area license law, to be completed by October 14, 2009.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Paladino failed to have a written common law management agreement with Complainant, and, charged Complainant expenses which should have been charged to the new property owner.	2008-018 Scott Annon Boyer vs. David Joseph Paladino		
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Shandera entered the seller's property without having first obtained the affirmative consent or authorization of the seller, the Seller's Agent, or the Seller's Agent's Managing Broker.	2008-025 Meredith J Jantzen vs. Kelly Jane Shandera	May 21, 2009	Stipulation and Consent Order. License censured; plus an additional six (6) hours of additional education with three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed by November 22, 2009.
Section 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. Lunz failed to maintain a bookkeeping system during the trust account examination periods ending January 25, 2007, and January 6, 2009. Violiated Title 299 Chapter 3 Section 004 Funds deposited in the trust account will necessarily include monies which will ultimately belong to the broker but such monies shall be separately identified in his or her trust account records and shall be paid to the broker by check drawn on the trust account after the same are due the broker. The fact that a trust account contains money belonging to the broker does not constitute "commingling the money or other property of his or her principals with his or her own," as prohibited by Subsection (4) Section 81-885.24 of the Nebraska Real Estate License Act. Lunz failed to properly account for personal funds maintained in the trust account. Violated 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, 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. Lunz failed to have a written agency agreement in place with a seller when representing the seller	2009-025 Commission vs. Patricia Ann Lunz	May 21, 2009	Stipulation and Consent Order. License suspended for a period of two (2) years, with the entire suspension period stayed and served on probation commencing on May 26, 2009, and continuing through May 26, 2011; plus an additional twelve (12) hours of continuing education with three (3) hours in agency, three (3) hours in contracts, three (3) hours in license law, and three (3) hours in trust accounts, to be completed by November 22, 2009.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
in the real estate transaction. And violated 81-885.24 (29) Demonstrating negligence, incompetence, or unworthiness to act as a broker, associate broker, or salesperson. Lunz failed to maintain a bookkeeping system for the trust account examination periods ending January 25, 2007, and January 6, 2009; failed to properly account for her personal funds maintained within the trust account; and failed to have written agency agreement in place with a seller when representing the seller in the real estate transaction.	2009-025 Commission vs. Patricia Ann Lunz		
Concannon violated Title 299 Chapter 5 Section 003 (22) Failure by a designated or employing broker to supervise his or her associate brokers and salespersons. Concannon failed to ensure that Respondent Wilson and Respondent Marett obtained the signature of both sellers on the Listing Agreement. Wilson violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, and 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. Wilson failed to obtain the signature of both sellers on the Listing Agreement.	2008-012 Commission vs. Charles Wing Concannon, Stacy Jo Wilson and Peggy Barbara Marett	May 21, 2009	Hearing held May 21, 2009. Concannon and Wilson: License censured. Marett: Dismissed.
Slatten 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	2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson	May 22, 2009	Hearing held May 22, 2009. Slatten: 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 designated

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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	2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson		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. Thompson: License suspensed 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 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

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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. Thompson 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 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.	2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson		for July 1, 2009. Stay Granted. Commission filed Motion to Dismiss. October 2, 2009, Case dismissed by District Court.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 specified in this section, by his actions as detailed above.	2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson		
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	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

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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.	2009-019 Commission vs. Sandra Kay Kester		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.
Hellman: violated Neb. Rev. Stat. § 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. Hellman failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by	2009-026 Commission vs. Jennifer Lynn Hellman and Brady Kieth Bock	July 9, 2009	Stipulation and Consent Order. Both licenses censured and each shall complete an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of contracts, to be completed by January 5, 2010.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
the parties. Violated 81-885.24 (19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal. Hellman failed to include a fixed date of expiration in the listing agreement. And violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Hellman failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parites, and, failed to include a fixed date of expiration in the listing agreement. Bock: 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 client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Bock failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parties.	2009-026 Commission vs. Jennifer Lynn Hellman and Brady Kieth Bock		
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Jaksich mailed an unprofessional letter to the Complainant's client.	2008-028 Mitzi Anne Detavernier vs. Rejean Marie Jaksich	August 13, 2009	Stipulation and Consent Order. Licenses censured; plus an additional three (3) hours of continuing education in the area of ethics to be completed by December 10, 2009
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Schaefer filed false applications with the Nebraska Real Estate Commission on his Application for License as a Real Estate Salesperson date May 3, 2005, and on his Application for Annual Renewal of Real Estate License for years 2006, 2007, 2008, and 2009.]	2009-005 Commission vs. Scott Allen Schaefer	August 13, 2009	Stipulation and Consent Order. License suspended for period of two (2) years, with the first sixty (60) days of the suspension period actually served on suspension, and the remainder of the suspension period stayed and served on probation. The suspension period commenced on September18**,** 2009, and will continue through November 16, 2009. The probationary period will commence on November 17, 2009 and will continue through September 18, 2011; plus an additional six (6) hours of continuing education to include three (3) hours in the area of disclosures and three (3) hours in

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2009-005 Commission vs. Scott Allen Schaefer		the area of ethics to be completed by February 9, 2010. Also, Scott Schaefer must abstain from alcohol during the two (2) year period this Order is in effect, immediately obtain an AA sponsor and provide documentary proof of such sponsorship to the Commission, attend meetings of Alcoholic Anonymous on a weekly basis, and provide proof of such attendance to the Commission by the 5th day of each month. Additionally, if he is charged with any criminal offense at any time during the two (2) year period, he must report such charge to his employing broker and the Nebraska Real Estate Commission within seven (7) days following the date of the incident giving rise to the charge.
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	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 and,	October 15, 2009	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
sold at public auction, so they could properly inform potential buyers as to what they were actually purchasing should they 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.	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		
O'Shea 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. O'Shea presented an Offer direct to an owner knowing such owner had an exclusive right-to-sell listing contract with another designated broker. Violated 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. O'Shea failed to deliver the buyer's earnest money deposit to his designated broker. 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. O'Shea failed to present an Offer direct to an owner knowing such owner had an exclusive right-to-sell listing contract with another designated broker, and O'Shea failed to deliver the buyer's earnest money deposit to the designated broker.	2008-037 Theresa Marie Garthright vs. Matthew Barrett O'Shea and Kimberly Anne Topp	November 20, 2009	Topp: Dismissed. O'Shea: License suspended for a period of one (1) year, with the first ninety (90) days of the suspension period to be actually served on suspension and the remainder of the 1 year suspension period stayed and served on probation. The suspension period of your real estate license commenced on December 1, 2009 and will continue through February 28 2010. During this suspension period you are not permitted to conduct any real estate activity which would require the holding of a Nebraska real estate license. The suspension period will be followed by a probation period which will commence on March 1, 2010, and continue through December 1, 2010; plus an additional nine (9) hours of continuing education to include three (3) hours in the area of agency, three (3) hours in the area of ethics and three (3) hours in the area of license law to be completed by May 30, 2010.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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. § 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	2009-041 Commission vs. Bruce William Scheopner	November 20, 2009	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2009-041 Commission vs. Bruce William Scheopner		
Long violated: Neb. Rev. Stat. § 76-2422 (6) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker who intends to establish an 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 shall 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. Any agreement under this subsection shall be subject to the common-law requirements of agency applicable to real estate licensees and 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. Long failed to mail the pictures to the Owner in a timely manner, failed to deposit trust funds totaling $1,500.00 into her real estate trust account in a timely manner, incurring expenses on the Owner's behalf when Long did not have sufficient funds from the Owner or rental income to pay for such repairs.	2009-024 – Richard Pearce vs. Taryn Jo Long	February 27, 2010	Stipulation and Consent Order. License suspended for a period of one (1) year, with the entire period served on probation, which began February 27, 2010, and will run through February 27, 2011. A civil fine of $2000.00, due March 28, 2010; plus an additional nine (9) hours of continuing education to include three (3) hours in the area of agency law, three (3) hours in the area of contracts and three (3) hours in the area of ethics must to be completed by August 26, 2010.
Hellman 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. Hellman made inappropriate comments or remarks towards the Complainant.	2009-029 – Brittney Maloley vs. Jennifer Lynn Hellman	February 27, 2010	Stipulation and Consent Order. License suspended for a period of twelve (12) months with the first forty five (45) days served on suspension and the remainder of the suspension period stayed and served on probation. The suspension commenced on March 2, 2010 and will continue through April 15, 2010. The probationary period will commence on April 16, 2010 and continue through March 1, 2011; plus an additional three (3) hours of continuing education in the area of ethics to be completed by August 26, 2010. Also, Hellman must write a letter of

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2009-029 – Brittney Maloley vs. Jennifer Lynn Hellman		apology to Complainant by March 13, 2010. Hellman shall undergo an alcohol dependency assessment by March 13, 2010 and submit a copy of the findings within two days of completion to the Commission.
Novotny: Violated: 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, and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity. Novotny failed to ensure that Wherley provided an earnest deposit check for $500 at the time of the Offer, and Novotny failed to ensure the Wherley was pre-approved for financing prior to making an Offer on the listed property. Novotny violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, for failing to ensure Wherley provided an earnest deposit check for $500 at the time the Offer was written, and for failing to ensure that Wherley was pre-approved for financing prior to Wherley making an Offer on the subject property. Wherley: Violated: 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for failing to provide an earnest deposit check for $500 at the time the Offer was written.	2009-012 Michele J. Bonge vs. Shelli Marie Novotny and Tammy L. Wherley	April 22, 2010	Stipulation and Consent Order, Novotny: Real estate license suspended for twelve (12) months, with the entire period stayed and served on probation. The suspension period commenced on April 22, 2010 and will continue through April 21, 2011 plus Novotny shall complete an additional six (6) hours of continuing education, to include three (3) hours in the area of Agency Law and three (3) hours in the area of Contracts to be completed by October 19, 2010. Wherley: Real estate license suspended for twelve (12) months, with the entire period stayed and served on probation. The suspension period commenced on April 22, 2010 and will continue through April 21, 2011 Wherley shall complete an additional six (6) hours of continuing education, to include three (3) hours in the area of Agency Law and three (3) hours in the area of Contracts to be completed by October 19, 2010.
Section 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes, setting for the following: (3) Such other information as the Commission requires. Yates repeatedly and knowingly submitted a materially false Application for a real estate broker's license dated October 18, 2003, and materially false Renewal Applications for calendar years 2003, 2004, 2006, 2008, and 2009. Yates violated Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material	2010-010 Commission vs. Shannon Kole Yates	June 24, 2010	Stipulation and Consent Order. License is suspended for a period of two (2) years, with the first six (6) months served on suspension and the remainder of the two (2) year period stayed and served on probation. The suspension period commenced on July 8, 2010, and will continue through January 7, 2011. The probation period will commence on January 8, 2011, and will continue through July 7, 2012; plus an additional six (6)

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
fact on an application, such false statement may in itself be sufficient ground for refusal of a license. Yates repeatedly submitted to the Commission a materially false Application for a real estate broker's license dated October 18, 2003, and materially false Renewal Applications for calendar years 2003, 2004, 2006, 2008, and 2009. Yates violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; by repeatedly and knowingly submitting a materially false Application for a real estate broker's license dated October 18, 2003, and materially false Renewal Applications for calendar years 2003, 2004, 2006, 2008, 2009 by engaging in repeated acts of criminal conduct that resulted in multiple criminal convictions, three of which involved alcohol abu	2010-010 Commission vs. Shannon Kole Yates		hours of continuing education to include three (3) hours in disclosures, and three (3) hours in ethics, to be completed by October 22, 2010; and pay a civil fine of $1500.00, on or before July 24, 2010.
Nunez violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes, setting for the following (3) Such other information as the Commission requires. Nunez repeatedly and knowingly submitted materially false Renewal Applications to the Commission for calendar years 2001, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; Nunez violated Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license. Nunez repeatedly and knowingly submitted materially false Renewal Applications to the Commission for calendar years 2001, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; Nunez violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; by repeatedly and knowingly submitting materially false Renewal Applications to the Commission for calendar years 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and for engaging in repeated acts of criminal conduct that resulted in multiple criminal convictions, three of which involved alcohol abuse.	2010-011 Commission vs. Laura A. Nunez	June 24, 2010	Stipulation and Consent Order. License suspended for a period of two (2) years, with the first six (6) months served on suspension and the remainder of the two (2) year period stayed and served on probation. The suspension period commenced on July 8, 2010, and will continue through January 7, 2011. The probation period will commence on January 8, 2011, and continue through July 7, 2012; plus an additional six (6) hours of continuing education to include three (3) hours in disclosures and three (3) hours in ethics, to be completed by October 22, 2010; and pay a civil fine of $1500.00, on or before July 24, 2010. Suspension/Probation period temporarily suspended – DID NOT RENEW for 2011.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
O'Brien violated Neb. Rev. Stat. § 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: (a) To perform the terms of the written agreement made with the client; (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; O'Brien failed to have all parties to the contract sign an Addendum outlining the buyers' requirement to purchase a Wal-Mart Gift Card for $517.00, and deliver said gift card to the sellers immediately following closing; and by failing to have all parties to the contract sign an Addendum granting the buyers§ permission to enter the home for the purpose of replacing the inside door on the front of the home as required by the VA inspection. O'Brien also violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; by failing to have all parties to the contract sign an Addendum outlining the buyers' requirement to purchase a Wal-Mart Gift Card for $517.00, and deliver said gift card to the sellers immediately following closing; and by failing to have all parties to the contract sign an Addendum granting the buyers' permission to enter the home for the purpose of replacing the inside door on the front of the home as required by the VA inspection.	2009-052 Commission vs. William Daniel O'Brien, Salesperson	July 22, 2010	Stipulation and Consent Order. License is suspended for a period of thirty (30) days with the entire thirty (30) days suspension period stayed and served on probation. The probation period commenced on July 22, 2010, and continues through August 23, 2010; plus complete an additional six (6) hours of continuing education to include three (3) hours in Contracts and three (3) hours in License Law to be completed by November 19, 2010; and pay a civil fine of $1000.00, on or before August 23, 2010
McGargill violated Neb. Rev. Stat. § 81-885.24(29) (unfair trade practice to demonstrate negligence, incompetency, or unworthiness to act as a salesperson), by failing to have all parties to the Purchase Agreement sign an Addendum memorializing the parties§ agreement that Buyers were to purchase a Wal-Mart gift card for $517.00, and deliver said gift card to Sellers immediately following closing.	2008-032 Paul D. and Christmas B. Kitko Vs. Anne Jelena McGargill	August 19, 2010	Hearing held on August 19, 2010. License was censured. McGargill will be required to complete an additional three (3) hours of continuing education in "Contracts" to be completed by December 23, 2010; and pay Court Reporter fees of $300.00, on or before September 24, 2010.
Mullenberg violated Neb. Rev. Stat. § 81-885.11 any person desiring to act as a real estate salesperson shall file an application for a license with the commission, application shall be in such form and detail as the commission prescribes, setting forth the following…such other	2010-009 Commission vs. Michael Victor Mullenberg	October 1, 2010	Hearing held October 1, 2010, License is suspended for a period of four (4) years, with the entire four(4) year period stayed

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
information as the commission requires, by repeatedly submitting materially false Renewal Applications to the Commission; Neb. Rev. Stat. § 81-885.12 when an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license, by repeatedly submitting materially false Renewal Applications to the Commission; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson by repeatedly submitting materially false Renewal Applications for 2008, 2009, and 2010, to the Commission.	2010-009 Commission vs. Michael Victor Mullenberg		and served on probation. The suspension period commenced on November 5, 2010, and will continue through November 4, 2014; plus complete an additional six (6) hours of continuing education with three (3) in Ethics and three (3) hours in Disclosures to be completed by May 4, 2011; plus pay a civil fine of $2,500.00, on or before January 4, 2011; plus pay court reporter fees of $80.00, on or before January 4, 2011.
Krecek: Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; by failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client; for failing to supervise Wojcinski in her licensed activities as a Property Manager. Dickerson: Violated Neb. Rev. Stat. § 76-2417 (1) by failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, for failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker ; for failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, for failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement. Wojcinsk: Violated Neb. Rev. Stat. § 76-2417 (1) by failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, for failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement, and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; for failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, all by failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement.	2009-042 Commission vs. John S. Krecek, John H. Dickerson and Deborah Ann Wojcinski	October 28, 2010	Stipulation and Consent Order. Krecek: License suspended for a period of thirty (30) days, with the entire thirty (30) day period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through November 27, 2010.; plus complete six(6) hours of additional continuing education with three(3) hours in Contracts and three (3) hours in Ethics to be completed by February 25, 2011; plus pay a civil fine of $1,000.00, on or before November 27, 2010. Dickerson: License is suspended for a period of thirty (30) days, with the entire thirty (30) day suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through November 27, 2010; plus complete six (6) hours of additional continuing education with three (3) hours in Contracts and three (3) hours in Ethics to be completed by February 25, 2011; plus pay a civil fine of $1,000.00, on or before November 27, 2010. Wojcinski : License is suspended for a

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2009-042 Commission vs. John S. Krecek, John H. Dickerson and Deborah Ann Wojcinski		period of thirty (30) days, with the entire thirty (30) day suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through November 27, 2010; plus complete six(6) hours of additional continuing education with three(3) hours in Contracts and three(3) hours in Ethics to be completed by February 25, 2011; plus pay a civil fine of $1,000.00, on or before November 27, 2010.
Landolt violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes, setting for the following (3) Such other information as the Commission requires; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Landolt repeatedly submitted materially false Renewal Applications to the Commission for 2007, 2008, 2009, and 2010.	2010-005 Commission vs. Kenneth J. Landolt Jr.	October 28, 2010	Stipulation and Consent Order. License suspended for a period of two (2) years with the entire two (2) year suspension period stayed and served on probation. The suspension/probation period commenced on October 29, 2010, and will continue through October 28, 2012; plus complete an additional six (6) hours of continuing education to include a three (3) hour course in Disclosures and a three (3) hour course in Ethics to be completed by February 25, 2011; plus pay a civil fine of $500.00, on or before December 28, 2010. Suspension/Probation Period temporarily suspended due to “inactive” status – February 7, 2011.
Blume: Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for conducting licensed real estate activities in Nebraska during the period January 1, 2010 and January 31, 2010, a period of time when Blume failed to renew his real estate salesperson’s license for 2010. Evans: Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; by allowing an affiliated licensee , Dirk Conrad Blume, to write offers for buyers, negotiate listings	2010-013 Commission vs. Dirk Conrad Blume and Donald Wray Evans	October 28, 2010	Stipulation and Consent Order. Blume: license is suspended for a period of six (6) months, with the entire six (6) month suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through April 27, 2011; plus complete an additional three (3) hour course in License Law by February 25, 2011; plus pay a civil

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
with sellers, and advertise properties for sale on his website, knowing that he had not renewed his Nebraska real estate license for 2010; and Title 299 Chapter 5 003.21 by failing to return Blume's real estate license to the Real Estate Commission within fifteen days of the Real Estate Commission's request to do so.	2010-013 Commission vs. Dirk Conrad Blume and Donald Wray Evans		fine of $1,500.00, on or before November 27, 2010. Evans: License suspended for a period of six (6) months with the entire six (6) month suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through April 27, 2011; plus complete an additional three (3) hour course in License Law to be completed by February 25, 2011; plus pay a civil fine of $1,500.00, on or before November 27, 2010.
Hofer violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, by engaging in repeated acts of criminal conduct and crimes of dishonesty directly connected to her duties as a rental manager, resulting in two criminal convictions.	2010-036 Commission vs. Terry Jo Hofer	October 29, 2010	Hearing held October 29, 2010. License revoked.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for making inappropriate comment to Sandra Nichols.	2009-053 Sandra L. & George O. Nichols vs. Candice M. Potratz	December 2, 2010	Stipulation and Consent Order dated December 2, 2010. License censured; plus an additional three (3) hours of continuing education in the area of ethics to be completed by April 1, 2011.
Switzer violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes. Switzer submitted false Annual Renewal Applications to the Commission for 2006, 2007, and 2008. Switzer violated Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license Switzer submitted false Annual Renewal Applications to the Commission for 2006, 2007, and 2008. Switzer violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence,	2010-015 Commission vs. Laura Ann Switzer	December 2, 2010	Hearing held December 2, 2010. License revoked.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
incompetency, or unworthiness to act as a real estate salesperson; Switzer submitted false Annual Renewal Applications to the Commission for 2006, 2007, and 2008, and, for having been convicted of Theft-Shoplifting/2nd, a Class 1 Misdemeanor.	2010-015 Commission vs. Laura Ann Switzer		
Violated Neb. Rev. Stat. § 76-2417(1)(b) for failing to exercise reasonable skill and care for the Seller, and, (c) failing to promote the interest of the Seller; for failing to present the Seller's Counter-Offer to the Buyer in a timely manner; Neb. Rev. State § 76-2422 in that the Listing Agreement failed to include the duties and responsibilities of a limited Seller's Agent; Neb. Rev. Stat § 81-885.24(16) Unfair trade practice for violating any provision of sections 76-2401 to 76-2430; and 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson for violating Neb. Rev. Stat. §§ 76-2417 (1) (b) (c); 76-2422; and 81-885.24 (16).	2009-055 Commission vs. Michelle Lynn Crowell	February 17, 2011	Stipulation and Consent Order. License is censured; plus an additional six (6) hours of continuing education in "Agency Law" and "Contracts" to be completed by June 17, 2011; plus pay a civil fine in the amount of $500.00 on or before March 18, 2011.
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	2009-056 Commission vs. Brenda L. Whalen	February 17, 2011	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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.	2009-056 Commission vs. Brenda L. Whalen		
Diane Lee Powers: 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. § 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller and attaching the written disclosure to the Seller Property Condition Disclosure Statement; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for representing in the Seller Property Condition Disclosure Statement that there had been no prior hail damage to the roof, and that there had been no insurance claims filed against the roof; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for violating Title 299 Chapter 5 Section 003.25	2010-006 – James E. Sanford vs. Diane Lee Powers and Michael Stuart Powers	February 17, 2011	Diane Lee Powers: Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of "Disclosures" to be completed by June 17, 2011; plus pay a civil fine of $500.00, on or before March 18, 2011. Michael Stuart Powers: Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of "Disclosures" to be completed by June 17, 2011; plus pay a civil fine of $500.00, on or before March 18, 2011.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
and Neb. Rev. Stat. § 81-885.24 (22). Michael Stuart Powers: 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. § 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller and attaching the written disclosure to the Seller Property Condition Disclosure Statement; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for representing in the Seller Property Condition Disclosure Statement that there had been no prior hail damage to the roof, and that there had been no insurance claims filed against the roof; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for violating Title 299 Chapter 5 Section 003.25 and Neb. Rev. Stat. § 81-885.24 (22).	2010-006 – James E. Sanford vs. Diane Lee Powers and Michael Stuart Powers		
Violated Neb. Rev. Stat. § 76-2417(1)(b) for failing to exercise reasonable skill and care for the Seller, and, (c) failing to promote the interest of the Seller; for failing to present the Seller's Counter-Offer to the Buyers in a timely manner; and 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson for violating Neb. Rev. Stat. §§ 76-2417 (1) (b) (c).	2010-012 – Lisa Kohles and Dan Brown vs. Beverly Ann Crowell	March 17, 2011	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in "Agency" and "Contracts" to be completed by July 15, 2011.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for using inappropriate profanity towards buyer's child.	2010-039 – Sheryll Mowinkel vs. Keith Lewis Brown	March 17, 2011	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in "Ethics" to be completed by July 15, 2011.
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	2011-008 – Commission vs. Eric Scott Lundstrom	March 17, 2011	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",

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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).	2011-008 – Commission vs. Eric Scott Lundstrom		"Disclosures" and "Ethics" to be completed by July 15, 2011.
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, 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	April 21, 2011	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having the sellers sign, on April 15, 2009, the Offer to Purchase dated March 27, 2009, despite the fact that the offer had already expired on its own terms on March 29, 2009; and, for making inappropriate and demeaning comments to one of the sellers on April 14, 2009, and on May 29, 2009.	2011-007 – Commission vs. David Joseph Egan	April 21, 2011	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in “Contracts” and “Ethics” to be completed by August 19, 2011.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency by mismanaging and neglecting the property thereby allowing the property to be damaged and rundown.	2010-003 – Richard and Janet Marler vs. Gayle Gene Herbst	August 18, 2011	Hearing held August 18, 2011. License is censured. An additional three (3) hours of continuing education in Agency to be completed by November 22, 2011; plus pay court reporter fees of $360.00, on or before September 23, 2011.
Bollwitt: 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 licensee is representing; Bollwitt failed at the earliest practicable opportunity during or following first substantial contact with the Buyers, to complete an Agency Disclosure	2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt	August 19, 2011	Warren: Dismissed due to the Commission entering a Stipulation and Consent Order on Case No. 2010-021. Bollwitt : 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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt		
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: (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	2010-021 – Commission vs. Betty Jane Warren	August 19, 2011	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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).	2010-021 – Commission vs. Betty Jane Warren		
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson for having been convicted of possessing or obtaining legend drugs, a Class 3 Misdemeanor.	2011-009 – Commission vs. Michael Robert Kelly	August 19, 2011	Stipulation and Consent Order. License revoked.
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(3) Failing to account for and remit any money coming into his possession belonging to others; Crawford withheld rent proceeds from the Sellers and threatened to withhold the security deposit unless Sellers released Crawford from the Management Agreement. Crawford violated Neb. Rev. Stat. § 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: (a) To perform the terms of the written agreement made with the client; Crawford failed to perform the terms of the Management Agreement he had with the Sellers which required that he disburse the security deposit	2011-004 – Commission vs. Michael Rae Crawford	September 15, 2011	Hearing held September 15, 2011. License is suspended for a period of two (2) years with the entire two (2) year period stayed and served on probation. The suspension period commenced on October 28, 2011, and continues through October 28, 2013; plus complete an additional fifteen (15) hours of continuing education with three (3) hours in Agency, three (3) hours in Contracts, three (3) hours in License Law, three (3) hours in Landlord-Tenant Act, and three (3) hours

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
and other deposits, and it provided that either party may terminate the Agreement by providing thirty (30) days written notice. Crawford withheld rent proceeds and threatened to withhold the proceeds of the security deposit, unless Sellers released Crawford from the Management Agreement; (b) To exercise reasonable skill and care for the client. Crawford failed to timely forward funds owed to Sellers, failed to ascertain whether Sellers, Sellers' bank, or both owned the Property, and/or was engaging Crawford's services and failing to communicate Buyers' offer to Sellers; (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 regardless of whether the property is subject to a contract for sale or lease or a letter of intent to lease; Crawford failed to communicate Buyers' Offer to Sellers. (d) To account in a timely manner for all money and property received; Crawford failed to account in a timely manner for all money received, in that he withheld rent proceeds and threatened to withhold the proceeds of the security deposit unless Sellers released Crawford from the Management Agreement; Crawford violated Neb. Rev. Stat. § 76-2422(2) by failing to enter into a written agency agreement with the Bank; Crawford violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetence, or unworthiness to act as a broker; by violating numerous unfair trade practices as previously identified; Crawford violated Neb. Rev. Stat. § 81-885.24(16); Violating any provision of sections 76-2401 to 76-2430.	2011-004 – Commission vs. Michael Rae Crawford		in Short Sales, all to be completed by April 25, 2012; plus pay a civil fine of $1,500.00, court reporter fees and witness fees totaling $973.81, on or before October 28, 2011.
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: (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; Meier failed to contact the buyer's attorney as represented to seller, Meier negligently drafted the terms of buyer's July 24, 2010 Offer by indicating that the balance due at closing from the buyer was $54,000.00, instead of $54,500.00; and Meier failed to correct the erroneous date entered by buyer on the Offer from 8-13-10 to	2010-060 – Brandon Schroeder vs. Douglas Lee Meier	September 16, 2011	Stipulation and Consent Order. License suspended for a period of six (6) months with the entire period stayed and served on probation, commencing on September 15, 2011, and continuing through March 15, 2012; plus pay a civil fine of $500.00 by October 15, 2011; plus complete an additional six (6) hours of continuing education with three (3) hours each in the area of Agency and Contracts to be completed by December 14, 2011, and

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
9-13-10, as well as the date following the buyer's signature from 8-13-10 to 9-13-10; Meier violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker by violating Neb. Rev. Stat. § 76-2417(1)(b)(c).	2010-060 – Brandon Schroeder vs. Douglas Lee Meier		submit documentary proof to the Commission that said courses have been satisfactorily completed.
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 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).	2009-057 – Commission vs. Kevin Dean McCully	September 16, 2011	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.
Violated Neb. Rev. Stat. § 81-885.21 (1) in that trust funds deposited into his real estate trust accounts were removed from the trust accounts prior to the time the related transactions were closed or otherwise terminated despite the absence of written agreements by the parties having an interest in the funds; Violated Neb. Rev. Stat. § 81-885.24 (3) Garrison failed to account for and remit money coming into his possession belonging to others with respect to his	2011-012 / 2011-020 – Commission vs. Michael Douglas Garrison	October 27, 2011	Stipulation and Consent Order. License is suspended for a period of five (5) years commencing on October 27, 2011, and continuing through October 27, 2016, and, Garrison must pay a civil fine of $2,500.00 by December 26, 2011.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
real estate trust accounts when he allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, and he failed to maintain sufficient funds in the trust accounts and was unable to make the trust accounts whole; Violated Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the Commission. Specifically, 299 NAC 3-002 By failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the law relating to the maintaining of trust accounts when he allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, such that his trust account appeared to be balanced at a time when it was not; Violated 299 NAC 5.003.19 Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities. Specifically, Garrison failed to supervise and stop a licensed employee from engaging in real estate brokerage activities while such employee's real estate broker's license was on suspension, and by failing to stop his other unlicensed employees from engaging in real estate brokerage activities; Violating Neb. Rev. Stat § 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430. Specifically, Neb. Rev. Stat. § 76-2422 (6) Garrison failed to comply with the terms of the Realty Linc. Management Agreement with a specific property owner and the terms of the Lease Agreement with a tenant, by failing to collect the security deposit of $850.00 in its entirety at the time the Lease Agreement was signed by the tenant; Violated Neb. Rev. Stat. § 81-885.24 (29) unfair trade practice for a licensee to demonstrate e negligence, incompetency or unworthiness to act as a broker, and 299 NAC 5-003.14 for failing 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 for in the purchase agreement. In the event an offer is not accepted, the earnest money deposit shall be returned forthwith: (a) Garrison failed to deposit funds received as an earnest money deposit within 72 hours or before the end of the next banking day; (b) Garrison failed to notify the Commission of the July 2010 levies against Realty Linc.'s trust accounts; (c) Garrison allowed the real estate	2010-060 – Brandon Schroeder vs. Douglas Lee Meier		

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
trust account to become short approximately $37,559.83, from about July 14, 2010, through October 21, 2010; (d) Garrison allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, such that the real estate trust account appeared to be balanced at a time when it was not; (e) Garrison allowed trust funds to be improperly removed from the trust accounts; (f) Garrison allowed the real estate trust account to be short $8,082.62, on January 12, 2011, and g) Garrison violated Neb. Rev. Stat § 76-2422 (6), 81-885.24 (16) and (26) and 299 NAC 5-003.19.	2010-060 – Brandon Schroeder vs. Douglas Lee Meier		
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 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,	2011-024 – Commission vs. Bruce Delmar Connell	October 27, 2011	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2011-024 – Commission vs. Bruce Delmar Connell		
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for sending an inappropriate mass e-mail to other licensed real estate professionals affiliated with her designated broker's real estate companies.	2011-006 – Matthew M. Steinhausen vs. Shelly J. Nitz	December 6, 2011	Stipulation and Consent Order. Additional six (6) hours of continuing education in "Ethics" to be completed by March 18, 2012.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, by his ongoing pattern of mismanagement of the financial affairs of Realty Linc., particularly the debt owed by Realty Lin., since 2004, to the NDOL for delinquent state unemployment taxes, in violation of the Nebraska Employment Security Act, which caused Realty Linc.'s trust accounts to become subject to the NDOL levies, which, in turn, caused Realty Linc.'s trust accounts to be short of funds	2011-012 – Commission vs. Gary Thomas Thompson	December 6, 2011	Hearing held December 6, 2011. License will be suspended for an additional three years, to commence on May 31, 2012 and shall continue through May 31, 2015. The entirety of the additional three (3) years shall be stayed and served on probation; Thompson's trust accounts and the trust account records maintained by Realty Linc. shall be posted current and accurate

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
and Realty Linc.'s trust account records to be inaccurate, from July of 2010, through May of 2011.	2011-012 – Commission vs. Gary Thomas Thompson		at all times and without exception. Should Thompson utilizes a computer-generated bookkeeping system, Thompson shall be required to maintain a back-up to the bookkeeping system. The trust accounts and trust account records maintained by Realty Linc. are subject to examination by a Commission trust account examiner at any time, and such examinations shall occur at least quarterly commencing with the signing of this Order; Thompson is to pay $400.00 for Court Reporter fees and $40.00 for witness fees for a total of $440.00 due January 11, 2012.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker, for failing to collect an earnest money deposit from the buyer.	2011-002 – Jason K. Hesser vs. Charles Robert Winkler	January 19, 2012	Stipulation and Consent Order. License censured; Winkler must pay a civil fine of $500.00 by March 19, 2012; plus an additional three (3) hours of continuing education in "Contracts" to be completed by April 18, 2012.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker; for failing to review the Seller Property Condition Disclosure Statement completed by the sellers on October 19, 2009, for errors, inaccuracies or omissions.	2011-035 – Commission vs. Robby Gene Predmore	January 19, 2012	Stipulation and Consent Order. License censured; Civil fine of $500.00 by February 18, 2012; and three (3) additional hours of continuing education in "Disclosures" to be completed by April 18, 2012.
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes; Violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may 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, for	2011-039 – Commission vs. John Anthony Clark	January 19, 2012	Stipulation and Consent Order. License suspended for two (2) years with the entire two (2) year suspension period stayed and served on probation, commencing January 19, 2012, and continuing through January 19, 2014; Plus a civil fine of $1,000.00 to be paid by February 18, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of "Disclosures" and

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
repeatedly and knowingly submitting materially false Renewal Applications for 2009, 2010 and 2012 to the Nebraska Real Estate Commission, and for violating Neb. Rev. Stat. § 81-885.11 and 81-885.12.	2011-039 – Commission vs. John Anthony Clark		"Ethics", to be completed by May 18, 2012.
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. § 76-2417(1) A licensee representing a seller or landlord as a seller's agent shall be a limited agent with the following duties and obligations; (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; for receiving buyer's financial documents from Buyer's Agent on January 10, 2011, and not delivering the financial documents to his seller/clients immediately following receipt.; and 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. § 76-2417(1) (b) and (c).	2011-017 – Tiffany A. Trofino vs. Jeffery Michael Rensch	March 15, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of $500.00 to be paid by April 14, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of "Agency" and "Disclosures", to be completed by July 13, 2012.
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 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	2012-002 – Commission vs. Robert L. Hupp	March 15, 2012	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 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

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2012-002 – Commission vs. Robert L. Hupp		education with three (3) hours each in the areas of "Agency", "Contracts" and "Disclosures", to be completed by July 13, 2012.
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 client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; for failing to notify the home warranty company that a new furnace had been installed in the subject home prior to closing; 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) (b) and (c).	2011-015 – Patricia Sindelar Vs. Terry Lee Forman	April 19, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of $250.00 to be paid by May 19, 2012; plus three (3) hours of additional continuing education in the area of "Agency", to be completed by August 17, 2012.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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).	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.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence to act as a broker; for writing the buyer’s Offer to Purchase knowing that her husband may have an interest in purchasing the same Property, and if he had such interest, that she would have to terminate any agency relationship she had with the buyer.	2012-008 – Commission vs. Linda Lee Fuller	April 19, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of $1,000.00, to be paid by May 19, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of “Agency” and “Contracts”, to be completed by August 17, 2012.
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; and (b) Disclose in writing to that person the types of	2012-012 – Commission vs. Lydia Beth Moyer	April 19, 2012	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 additional continuing education with three (3) hours each in the areas of “Agency” and “License Law”, to be completed by August 17, 2012.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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).	2012-012 – Commission vs. Lydia Beth Moyer		
Violated Neb. Rev. Stat. § 81-885.11(3) Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such a form and detail as the commission prescribes, setting forth the following...(3) Such other information as the commission requires: Violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on any application, such false statement may in itself be sufficient grounds for refusal of a license; and Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by repeatedly and knowingly submitting materially false Renewal Applications to the Commission for the years 1999, 2001, 2002, 2003, 2004, 2007 and 2008. Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having been convicted of four (4) counts of insurance fraud on August 25, 2011, showing that she lacks the "good reputation for honesty, trustworthiness, integrity, and competence to transact the business of broker or salesperson in such manner as to safeguard the interest of the public" as required by Neb. Rev. Stat. § 81-885.12, which	2012-003 – Commission vs. Leslie Sue Petersen	May 2, 2012	Stipulation and Consent Order. License suspended for four (4) years with the first sixty (60) days served on suspension and the remainder three (3) years and ten (10) months stayed and served on probation. The suspension period commenced on May 29, 2012, and continues through July 28, 2012. The probation period will commence on July 29, 2012, and continues through May 28, 2016; plus complete six (6) hours of additional continuing education with three (3) hours each in the areas of "Disclosure" and "Ethics", to be completed by August 31, 2012.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
reflects a demonstration of negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for engaging in repeated acts of criminal conduct that resulted in four (4) misdemeanor criminal convictions of Driving Under the Influence of Alcohol.	2012-003 – Commission vs. Leslie Sue Petersen		
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; Arney incorrectly advertised in the MLS Data Sheet that the home has 3,871 square feet and Arney incorrectly advertised in a flyer that the home has over 3,800 square feet; Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentation; Arney falsely represented in the MLS Data Sheet that the home has 3,871 square feet and Arney falsely represented in a flyer that the home has over 3,800 square feet; 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) and (22), and for inaccurately measuring the square footage of the home.	2011-022 – Steve and Cathy Sickler vs. Joan Elizabeth Fink-Arney	May 17, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of $500.00 to be paid by June 16, 2012; plus complete three (3) hours of additional continuing education in the area of “Disclosures” by September 14, 2012.
Violated Neb. Rev. Stat. § Title 299 Chapter 3 Section 007.02 In the absence of a pending civil action and upon the passage of one year’s time from the date of an accepted offer to purchase, it shall not be considered grounds for disciplinary action for a broker to pay out an earnest money deposit to a seller when the payment of such earnest money deposit has been based on a good faith decision that the buyer has abandoned any claim to such earnest money deposit; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Rosfeld disbursed the earnest money deposit to the seller without having first secured the written release of all parties to the contract.	2012-006 – Charles Jerrell vs. Philip J. Rosfeld	June 28, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of $500.00 to be paid by July 28, 2012; plus complete three (3) hours of additional continuing education in the area of “License Law” by September 26, 2012.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for making inappropriate telephone calls to a represented buyer regarding buyer's failure to close on a real estate transaction; for making inappropriate telephone calls regarding buyer to buyer's supervisor; and for making inappropriate telephone calls regarding buyer to buyer's supervisor's superiors.	2012-004 – Aaron Doriani vs. Melissa L. Jarecke and Richard Kavan	August 23, 2012	**Richard Kavan**: Dismissed. **Melissa L. Jarecke**: Stipulation and Consent Order. License suspended for six (6) months with the entire six (6) month period stayed and served on probation. The suspension period commenced on August 23, 2012, and continues through February 23, 2013; plus a civil fine of $1,000.00, to be paid by September 24, 2012; plus complete three (3) hours of additional continuing education in the area of "Ethics", to be completed by November 21, 2012.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence and unworthiness to act as a salesperson; For failing to enter the complete terms of compensation as agreed upon by the parties in the agency (listing) agreements dated June 28, 2010, November 5, 2010, and March 22, 2011, in that the parties agreed that the commission would be reduced from 7% to 6%, if seller agreed to use Paulsen as her Buyer's Agent when she purchased her next home; and 2) For attempting to collect the commission from seller on her purchase of a For-Sale-By-Owner home based upon verbal agreements not reduced to writing in an agency (listing) agreement as noted above and therefore not enforceable.	2012-005 – Annette M. Brandl vs. Tracy Gerald Paulsen	August 23, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of $500.00 to be paid by September 24, 2012; plus complete three (3) hours of additional continuing education in the area of "Agency" by November 21, 2012.
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	2012-023 – Commission vs. Robin A. Petersen	October 2, 2012	Stipulation and Consent Order. 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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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; 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).	2012-023 – Commission vs. Robin A. Petersen		
Violated Title 299 Chapter 2 Section 003 Advertising shall 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. All advertising shall be under the direct supervision of the broker, and in the name the broker is conducting business as recorded with the Commission. Advertising which is contrary to Sections 003 to 006 of these regulations shall constitute misleading or inaccurate advertising under Section 81-885.24(2) of the Nebraska Real Estate License Act; 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; Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the Commission; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Helmuth conducted real estate business in Nebraska from April 16, 2011 through September 11, 2012,	2012-024 – Commission vs. Michael Nathan Helmuth	November 15, 2012	Stipulation and Consent Order. License censured; plus pay a civil fine of $1,000.00, by December 14, 2012.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
under an inactive Limited Liability Company, and he improperly advertised Nebraska real estate for sale under the name of the inactive Limited Liability Company which constitutes misleading or inaccurate advertising.	2012-024 – Commission vs. Michael Nathan Helmuth		
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson: for having had a disciplinary action taken against her Iowa real estate salesperson's license by the Iowa Real Estate Commission.	2012-030 – Commission vs. Julie Christie David	November 15, 2012	Stipulation and Consent Order. License censured; plus pay a civil fine of $500.00 by December 14, 2012.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having had a disciplinary action taken against his Iowa real estate broker's license by the Iowa Real Estate Commission.	2012-031 – Commission vs. Steven Andrew Alloway	November 15, 2012	Stipulation and Consent Order. License censured; plus pay a civil fine of $500.00 by December 14, 2012.
Violated Title 299 Chapter 5 Section 003.06 Failure to 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. A copy of said informed written consent shall be signed, dated, and maintained in the transaction file. 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; 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. 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	2012-029 – Commission vs. Joshua Bryan Bulow	January 17, 2013	Stipulation and Consent Order. License censured; plus a civil fine of $500.00 to be paid by February 16, 2013; plus complete an additional three (3) hours of continuing education in the area of Agency Law by May 17, 2013.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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; Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a…salesperson.	2012-029 – Commission vs. Joshua Bryan Bulow		
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrated negligence, incompetence, or unworthiness to act as a salesperson; for engaging in repeated acts of criminal conduct that resulted in three (3) criminal convictions for Driving Under the Influence dated October 24, 2008, July 1, 2010, and January 17, 2012, and one criminal conviction for Assault/Battery on January 17, 2012.	2012-028 – Commission vs. Steven Charles Morrissey, Jr.	January 17, 2013	Hearing held January 17, 2013. License revoked.
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; for improperly using the Realtor logo and specific disclaimers in her Purchase Agreement indicating that she was a member of the Nebraska Realtors Association and governed by its Code of Ethics and Rules and Regulations; Violated Neb. Rev. Stat. § 81-885.24 (22) making any substantial misrepresentation; for improperly using the Realtor logo and specific disclaimers in her Purchase Agreement indicating that she was a member of the Nebraska Realtors Association and governed by its Code of Ethics and Rules and Regulations; 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) and (22).	2012-025 – Ronald Rohde vs. Patricia Ann Lunz	March 21, 2013	Stipulation and Consent Order entered March 21, 2013. License censured; plus a civil fine of $200.00 to be paid by April 20, 2013.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a	2013-007 – Commission vs. Bruce Gerald Johnson	April 18, 2013	Stipulation and Consent Order entered April 18, 2013. License censured; plus a

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
broker, associate broker or salesperson, for having had a disciplinary action taken against him by another regulatory jurisdiction.	2013-007 – Commission vs. Bruce Gerald Johnson		civil fine of $500.00 to be paid by May 18, 2013.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence to act as a broker, associate broker, or salesperson; for failing to advise Buyer's Agent that the subject property was already under contract for sale and if Buyer's Agent's buyer wanted to purchase the subject property, then Buyer's Agent should write a new offer and submit it to Hornby for presentation to the sellers for consideration.	2012-037 – Angela M. Pofahl vs. Rodney Scott Hornby	May 16, 2013	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 Disclosures and Ethics by September 13, 2013.
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; 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	2013-016 – Commission vs. Todd S. Bartusek	May 16, 2013	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.

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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).	2013-016 – Commission vs. Todd S. Bartusek		
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes; Neb. Rev. Stat. § 81-885.12 (4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker… Boyd submitted to the Commission a false original Application for a real estate broker's license dated September 26, 2000, and Boyd submitted to the Commission false Renewal Applications dated November 7, 2000, November 24, 2008, October 20,	2013-005 – Commission vs. Darwin K. Boyd	June 20, 2013	Stipulation and Consent Order entered June 20, 2013. License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
2009, November 22, 2010, September 21, 2011, and October 26, 2012, in which he failed to report lawsuits in which he was named a Defendant.	2013-005 – Commission vs. Darwin K. Boyd		
Violated: Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Swanson submitted to the Commission a materially false original Application For A Real Estate License on June 16, 1986, and materially false Renewal Applications on December 1, 2009, December 1, 2010, and November 30, 2011, by failing to report misdemeanor criminal convictions against him; and for having been convicted of five (5) misdemeanor Driving Under the Influence charges.	2013-009 – Commission vs. William Glenn Swanson	June 16, 2013	Stipulation and Consent Order entered June 16, 2013. License suspended for a period of three (3) years with the first ninety (90) days served on suspension and the remainder of the three (3) year period stayed and served on probation; plus pay a civil fine of $1,500.00 by July 16, 2013; plus report any future alcohol or drug related charge or conviction to the Director of the Commission and to his designated broker within seven (7) days of the charge or conviction; plus submit to a criminal background check on or about January 1, 2014, January 1, 2015, and January 1, 2016, by having his finger prints captured by the Nebraska State Patrol; plus submit the resulting final report of such Criminal Background Check to the Commission office no later than February 28th of each year; plus attend regular meetings of Alcoholic Anonymous ("AA") or a similar substance abuse program which provides group therapy or substance abuse counseling during the three (3) year suspension/probation period and provide proof of such attendance to the Commission office on a monthly basis; plus obtain an "AA" sponsor or counselor for such substance abuse program and provide proof to the commission office of such sponsorship or counselor; and any future alcohol or drug related charge or conviction will result in a Show Cause Hearing against him.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for engaging in repeated acts of criminal conduct which resulted in three (3) misdemeanor criminal convictions involving alcohol, and for having been convicted of Attempt To Commit a Class 3A or Class 4 Felony, a Misdemeanor, by making terroristic threats.	2013-013 – Commission vs. William Robert Milczski	June 20, 2013	Stipulation and Consent Order entered June 20, 2013. License suspended for a period of three (3) years with the first ninety (90) days served on suspension and the remainder of the three (3) years stayed and served on probation; plus pay a civil fine of $1,500.00 by August 19, 2013; plus report any future alcohol or drug related charge or conviction, or any violation of the Court's Order of February 11, 2013, to the Director of the Commission and to his designated broker within seven (7) days of the charge, conviction, or violation; plus submit to a Criminal Background Check on or about January 1, 2014, January 1, 2015 and January 1, 2016, by having his finger prints captured by the Nebraska State Patrol; plus submit the resulting criminal background report to the Commission office no later than February 28th of each year; and any future alcohol or drug related conviction, any violation of the Court's Order of February 11, 2013, or any violation of the laws administered by the Real Estate Commission will result in a Show Cause Hearing against him.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for engaging in repeated acts of criminal conduct which resulted in three (3) misdemeanor criminal convictions involving alcohol.	2013-015 – Commission vs. John E. Wiedel	June 20, 2013	Stipulation and Consent Order entered June 20, 2013. License suspended for a period of three (3) years with the first ninety (90) days served on suspension and the remainder of the three (3) years stayed and served on probation; plus pay a civil fine of $1,500.00 by July 20, 2013; plus report any future alcohol or drug related charge or conviction, or any violation of the Court's final Order dated March 1, 2013, to the Director of the Commission within seven (7) days of the

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2013-015 – Commission vs. John E. Wiedel		charge, conviction or violation; plus submit to a Criminal Background Check on or about January 1, 2014, January 1, 2015 and January 1, 2016, by having his finger prints captured by the Nebraska State Patrol; plus submit the resulting criminal background reports to the Commission office no later than February 28th of each year; and any future alcohol or drug related conviction, any violation of the Court's Order of March 1, 2013, or any violation of the laws administered by the Real Estate Commission will result in a Show Cause Hearing against him.
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).	2013-017 – Commission vs. Andrew Donald Bock	June 21, 2013	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.
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes; Neb. Rev. Stat. § 81-885.12 (4) When an applicant has made a false statement of material	2013-004 – Commission vs. Michael Patrick Boyd	June 21, 2013	Hearing held June 20, 2013. Order entered June 21, 2013. License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Boyd submitted to the Commission a false original Application in September, 2000, and, Boyd repeatedly submitted false Renewal Applications in 2000, 2008, 2009, 2010, 2011, and 2012. Boyd also demonstrated unworthiness to act as a Broker by having been sanction in the jurisdiction of Arizona, New Hampshire and Oklahoma for illegal real estate brokerage activities.	2013-004 – Commission vs. Michael Patrick Boyd		
Violated Neb. Rev. Stat. § 81-885.21(1) Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separate, insured non-interest-bearing checking account in this state in his or her name or the name under which he or she does business which shall be designated a trust account in which all down payments, earnest money deposits, or other trust funds received by him or her, his or her associate brokers, or his or her salespersons on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all parties having an interest in the funds have agreed otherwise in writing; for receiving trust funds which were not deposited into the trust account. Jungjohann 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; specifically Title 299, Chapter 3, Section 002; by failing to maintain an accurate bookkeeping system for his trust account, and Title 299 Chapter 5 Section 003.19; by failing to supervise persons hired to assist him in his or her licensed real estate activities. Jungjohann 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 violating Neb. Rev. Stat. 81-885.24 (26); Violating any rule or regulation adopted or promulgated by the commission in the interest of the public	2013-021 – Commission vs. Craig Matthew Jungjohann	August 15, 2013	Stipulation and Consent Order entered August 15, 2013. License suspended for a period of five (5) years with the entire five (5) period stayed and served on probation; plus a civil fine of $2,500.00 to be paid by September 14, 2013; plus nine (9) hours of additional continuing education with three (3) hours each in the areas of ethics, license law, and trust accounts, and, submit proof of completion to the Commission office by December 13, 2013; plus be subject to additional random trust account examinations by the Commission during the five (5) year suspension/probationary period.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
and consistent with the Nebraska Real Estate License Act, and Title 299 Chapter 5 Section 003.19, failing to supervise persons hired to assist the licensee in the processing of tenant rent payments for Action Management, and, by hiring a person to assist him in the processing of tenant rent payments and maintaining the trust accounts of Action Management when he had knowledge that that person's broker license had been revoked by the Commission due to misappropriation of trust funds from that person's trust account.	2013-021 – Commission vs. Craig Matthew Jungjohann		
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes setting forth the following; (3) Such other information as the commission requires;_Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; by submitting a materially false original Application For A Real Estate Salesperson's License on October 26, 2004, and by repeatedly submitting materially false Annual Renewal Applications on November 23, 2005, November 9, 2006, October 15, 2009, November 16, 2010, September 27, 2011 and November 14, 2012.	2013-006 – Commission vs. Amy M. Mosser	August 23, 2013	Stipulation and Consent Order entered August 23, 2013. License suspended for a period of two (2) years with the entire two (2) period stayed and served on probation; plus a civil fine of $2,500.00 to be paid by September 22, 2013; plus six (6) hours of additional continuing education with three (3) hours each in the areas of disclosures and ethics, and submit proof of completion to the Commission office by February 19, 2014.
Violated Neb. Rev. Stat. § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others, and for failing to timely remit monies to the Owner after repeatedly being requested to remit such monies.; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for being negligent and for violating Neb. Rev. Stat. § 81-885.24(3).	2013-008 – Earnest Kaiman vs. Adrienne Ellen Farnsworth	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for being negligent for failing to timely remit monies to the Owner after repeatedly being requested to remit such monies; for failing to provide the Owner in a timely manner with the 2012 financial reports; and for failing to provide the Owner with receipts for a fence after repeatedly being requested to provide such receipts.	2013-011 – David Richard Schnell vs. Adrienne Ellen Farnsworth	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having been convicted of a Class 1 Misdemeanor which involved the use of a firearm.	2013-025 – Commission vs. David Frank Harders	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for misappropriating funds from her employer's operating accounts.	2013-027 – Commission vs. Rebecca S. Rutherford	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.
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.; 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; For entering a plea of guilty to a federal felony charge for making a false statement to an agency of the United States.; 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; For entering a plea of	2013-020 – Commission vs. Robert Lee Pelshaw	November 21, 2013	Hearing held November 21, 2013. License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
guilty to a federal felony charge for making a false statement to an agency of the United States, and for breaching his fiduciary duty to Pelstar Development by taking funds from Pelstar Development without authorization and using such funds for his own personal use.	2013-020 – Commission vs. Robert Lee Pelshaw		
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes, setting forth the following: 3) Such other information as the commission requires; for knowingly and willfully submitting a false Renewal Application for 2013-14 by reporting that she did not have any criminal charges pending against her at that time. 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; for entering a plea of guilty to a state felony charge of Theft-Deception. Neb. Rev. Stat. § 81-885.12(4)When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; by submitting a false Renewal Application for 2013-14 reporting that she did not have any criminal charges pending against her at that time. 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; for entering a plea of guilty to a state felony charge of Theft-Deception. 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. § 81-885.11, 81-885.12(2)(4) and 81-885.24(28).	2013-026 – Commission vs. Nancy E. Miller	January 22, 2014	Stipulation and Consent Order entered January 22, 2014. License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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. § 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).	2013-028 – Joyce Krings vs. Michael Joseph Korth	January 22, 2014	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.
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. 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; for entering a plea of guilty to a federal felony charge for fraud by wire, television, or radio. 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. § 81-885.12(2) and 81-885.24(28).	2013-031 – Commission vs. Troy Michael Ortmeier	January 22, 2014	Stipulation and Consent Order entered January 22, 2014. License revoked.
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the	2014-008 – Greg Lemon, Director vs. George Noel Herrington	March 20, 2014	Stipulation and Consent Order entered March 20, 2014. License suspended for three (3) years with the first forty five (45) days served on suspension and the

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
commission prescribes, setting forth the following: 3) Such other information as the commission requires; by submitting a materially false original Application in 2001 and submitting materially false Renewal Applications to the Commission for Calendar years 2002, 2003, 2004 and 2005; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; by submitting a materially false original Application in 2001 and submitting materially false Renewal Applications to the Commission for calendar years 2002, 2003, 2004 and 2005; Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by submitting a materially false original Application in 2001 and submitting Materially false Renewal Applications to the Commission for calendar years 2002, 2003, 2004 and 2005, and also for having been convicted of Three DUI misdemeanors.	2014-008 – Greg Lemon, Director vs. George Noel Herrington		remainder stayed and served on probation; plus pay a civil fine of $1,500.00 by April 18, 2014; plus report any future alcohol or drug related charge or conviction, to the Director of the Commission within seven (7) days of the charge or conviction; plus submit to a Criminal Background Check on or about January 1, 2015, January 1, 2016 and January 1, 2017, by having his finger prints captured by the Nebraska State Patrol; and submit the resulting criminal background reports to the Commission office no later than February 28th of each year.
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes, setting forth the following: 3) Such other information as the commission requires, by submitting a materially false 2011 Renewal Application to the Commission; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license, by submitting a materially false 2011 Renewal Application to the Commission; Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by submitting a materially false 2011 Renewal Application, and for having been convicted of four misdemeanor convictions for driving under the influence of alcohol and for his other misdemeanor conviction for minor in possession of alcohol.	2014-012 – Greg Lemon, Director vs. Adam Tyler Vogt	June 25, 2014	Stipulation and Consent Order entered June 25, 2014. License suspended for three (3) years with the first ninety (90) days served on suspension and the remainder stayed and served on probation; plus pay a civil fine of $1,000.00 by July 25, 2014; plus report any future alcohol or drug related charge or conviction, to his broker and the Director of the Commission within seven (7) days of the charge or conviction; plus submit to a Criminal Background Check on or about January 1, 2015, January 1, 2016 and January 1, 2017, by having his finger prints captured by the Nebraska State Patrol; and submit the resulting criminal background reports to the Commission office no later than February 28th of each year, plus attend regular meetings of Alcoholic Anonymous ("AA") or a similar

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2014-012 – Greg Lemon, Director vs. Adam Tyler Vogt		substance abuse program which provides group therapy or substance abuse counseling during the three (3) year suspension/probation period and provide proof of such attendance to the Commission office on a monthly basis; plus obtain an "AA" sponsor or counselor for such substance abuse program and provide proof to the commission office of such sponsorship or counselor; and any future alcohol or drug related charge or conviction will result in a Show Cause Hearing against him.
Violated 299-5-003.22 Failure by a designated or employing broker to supervise his or her associate brokers and salespersons, by failing to supervise Heimbouch as set forth by the Stipulation and Consent orders in case no. 2014-013 Commission vs. Jane Hartman Heimbouch and Commission vs. Geraldine B. Allen; 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 supervise Heimbouch as set forth by the Stipulation and Consent orders in case no. 2014-013 Commission vs. Jane Hartman Heimbouch and Commission vs. Geraldine B. Allen.	2014-013 – Commission vs. Geraldine B. Allen	June 25, 2014	Stipulation and Consent Order entered June 25, 2014. License was suspended for a period of three (3) years all stayed and served on probation, plus pay a civil fine of $1,500.00 due July 25, 2014, plus complete nine (9) hours of additional continuing education, three (3) hours each in the areas of contracts, ethics and license law by September 23, 2014.
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	2014-013 – Commission vs. Jane Hartman Heimbouch	June 25, 2014	Stipulation and Consent Order entered June 25, 2014. License revoked.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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, 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.	2014-013 – Commission vs. Jane Hartman Heimbouch		

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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	2014-013 – Commission vs. Jane Hartman Heimbouch		

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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. Heimbouch 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 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	2014-013 – Commission vs. Jane Hartman Heimbouch		

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2014-013 – Commission vs. Jane Hartman Heimbouch		
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	2014-015 – Commission vs. Thomas Eugene Sunderman	August 21, 2014	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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		
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	2014-014 – Greg Lemon, Director vs. Conway T. Perry	September 5, 2014	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

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2014-014 – Greg Lemon, Director vs. Conway T. Perry		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.
Violated Neb. Rev. Stat. § 81-885.24(22) unfair trade practice for a real estate licensee to make “any substantial misrepresentations” when he misrepresented to the Buyers in December of 2012 that he had no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing and that he did not know whether any tests had been conducted for the presence of lead-based paint on the Property, when he had authorized the EPA to access the Property to perform a lead-based paint assessment thereon on January 26, 2011 and he signed documents from the EPA’s contractor on December 6, 2011, which informed Briley that the lead-based paint assessment on the Property had been completed.; violated 299 NAC 5.003.25 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 in that he provided Buyers with a Seller Property Condition Disclosure Statement, which contained a misrepresentation, by checking the “do not Know” box in response to Section B, Question 4, which asks whether lead-based paint had been on the Property and whether any tests had been conducted for the presence of lead-based paint on the Property; violated Neb. Rev. Stat. § 81-885.24(26) unfair trade practice for a real estate licensee to violate 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 violating 299 NAC 5.003.25; violated Neb. Rev. Stat. § 81-885.24(29) unfair trade practice for a real estate licensee	2014-003 – Daniel and Susana Torres vs. Adam Briley	November 25, 2014	Hearing held November 25, 2014. License suspended for three (3) years, with the entire period stayed and served on probation; plus pay a civil fine of $1,500.00 by December 25, 2014; plus complete an additional three (3) hours of continuing education in the area of disclosures to be completed by May 25, 2015.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
to demonstrate negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson by misrepresenting to the Buyers in December of 2012 that he had no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing and that he did not know whether any tests had been conducted for the presence of lead-based paint on the Property, when he had authorized the EPA to access the Property to perform a lead-based paint assessment thereon on January 26, 2011 and he had signed documents from the EPA's contractor on December 6, 2011, which informed Briley that the lead-based paint assessment on the Property had been completed.	2014-003 – Daniel and Susana Torres vs. Adam Briley		
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson by allowing the buyer, prior to closing to have possession of the key to the home, for allowing the buyer to be in the subject property unattended and for failing to insure the key had been returned to the lockbox.	2014-017 – Commission vs. Lisa Renee Richardson	November 25, 2014	Stipulation and Consent Order entered November 25, 2014. License suspended for one (1) year, with the first fifteen (15) days served on suspension, and the remainder stayed and served on probation; plus pay a civil fine of $1,000.00 by December 25, 2014; plus complete an additional three (3) hours of continuing education in one of the following courses: #0748R Professionalism Required: High Standards of Professional Conduct, #0349 Risk Management for Real Estate Professionals, or #0497R Ethics & Professional Practice, to be completed by May 25, 2015.