

NEBRASKA REAL ESTATE COMMISSION

November 21-22, 2024

Telegraph Lofts East Center 4th Floor Conference Room Lincoln, NE (11/21)
State Office Building Otoe Room Lincoln, NE (11/22)

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on November 21, 2024, in the 4th Floor Conference Room of the Telegraph Lofts East Center, located at 200 South 21st St in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Education Melissa Belcastro, Deputy Director for Enforcement Samantha Lowery, and Deputy Director for Licensing Monica Rut.

Chairperson Evnen reconvened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on November 22, 2024, in the Otoe Room of the Nebraska State Office Building, located at 301 Centennial Mall in Lincoln, Nebraska. All of the members of the Real Estate Commission were present. Also present were Director Greg Lemon, Deputy Director for Education Melissa Belcastro, and Deputy Director for Enforcement Samantha Lowery. J.L. Spray, Special Assistant Attorney General and Counsel to the Commission, was present for the Director interviews.

Notice of Meeting (Adopt Agenda)

Director Lemon presented a public notice thereof relating to this meeting, which is attached to and made a part of these minutes. Chairperson Evnen reported that all Commissioners had been notified of the meeting simultaneously, by mail and e-mail, and that a proposed tentative agenda accompanied the notification.

Chairperson Evnen pointed out to those in attendance that a public copy of the materials being used during the meeting were available on the counsel table in the meeting room; that a copy of the Open Meetings Act was posted on the easel located in the southeast corner of the meeting room by the south entrance; and that the procedures followed were in accordance with the Open Meetings Act. Chairperson Evnen asked that guests sign the guest list.

Director Lemon noted that agenda items 11b, 11c, 11d, and 13d, had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Ritter and seconded by Dohse to adopt the final agenda as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Minutes of October 17, 2024

The minutes of the Commission meeting held on October 17, 2024, were considered.

After review, a motion was made by Dohse and seconded by Burleigh to approve the minutes as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Public Comment

Chairperson Evnen asked the members of the audience if anyone wished to come forward to provide public comment on Commission related business. No audience member indicated a desire to come forward.

Receipts and Expenditures Report for October

Director Lemon presented the Receipts and Expenditures Report for October. A copy of said report is attached to and made a part of these minutes. Director Lemon noted that an explanation page was included on the report.

The cash fund balance as of October 31, 2024, was \$1,215,810.21, which compared to a cash fund balance of \$1,462,379.25 on October 31, 2023.

After discussion, a motion was made by Dohse and seconded by Peter to file the October Receipts and Expenditures Report for audit. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Specialized Registrations

Time-Share Registration - Amendment for Orange Lake Land Trust Plan

Director Lemon presented a specialized registrations report which included the registration of amendment to the time-share registration for Orange Lake Land Trust Plan. A copy of said report is attached to and made a part of these minutes.

A motion was made by Burleigh and seconded by Ritter to approve the amendment to the registration as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report

Deputy Director Rut presented for ratification the Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Ritter and seconded by Peter to ratify issuance of the licenses as set forth in the report. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

License Statistic Report for October

Deputy Director Rut presented the License Statistic Report for the month of March, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

Examination Report - October

Deputy Director Belcastro presented for ratification the October Examination Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Dohse and seconded by Burleigh to ratify the October Examination Report for the purpose of issuing licenses. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Examination Passing Roster

Deputy Director Belcastro presented the Examination Passing Roster, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

Real Estate Education Matters

Continuing Education Provider/Activity Approval

Deputy Director Belcastro presented for ratification the Continuing Education Provider/Activity Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Activity Approval

Deputy Director Belcastro presented for ratification the Continuing Education Activity Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Instructor Approval

Deputy Director Belcastro presented for ratification the Continuing Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

Commission-Approved Training Provider/Activity Recognition

Deputy Director Belcastro presented a Commission-Approved Training Recognition Report, a copy of which is attached to and made a part of these minutes.

Commission-Approved Training Instructor Approval

Deputy Director Belcastro presented for ratification the Commission-Approved Training Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

Commission-Approved Training Activity Significant Change

Deputy Director Belcastro presented for ratification the Commission-Approved Training Activity Significant Change Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Peter and seconded by Dohse to ratify the six reports. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Pending Sworn Complaints and Investigative Matters

Deputy Director Lowery presented a summary report of the pending complaints, which included a list of licensees presently under disciplinary action or on appeal. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

The following sworn complaints and investigative matters were presented to the Commission:

Item A Complaint 2024-034 – William Snell v. Spencer Lombardo

Deputy Director Lowery presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Dohse the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Item B Complaint 2024-006 – Xu Li and Sunlight Properties LLC vs. Lynn Gene Fisher

Deputy Director Lowery presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Dohse and seconded by Burleigh that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Item C Complaint 2023-028 – Douglas B. Warlick vs. Keith Eugene Morris

Deputy Director Lowery presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Peter that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Item D Complaint 2024-048 – Jennifer L. Ethridge vs. Melanie Dawn Goodenberger

Deputy Director Lowery presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Dohse and seconded by Ritter that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Item E Complaint 2024-051 – Troy Launsby v. Patricia Ann Lunz

Deputy Director Lowery presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Geiser and seconded by Ritter that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Item F Complaint 2024-050 - Richard & Kristin Borman v. Aaron Lewis Vieyra, Linda Hosmer & Tracy Lynn Whitson

Deputy Director Lowery presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Burleigh that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Item G Complaint 2024-011 – Elizabeth Shumaker v. Jaclyn Marie Lunzmann

Deputy Director Lowery presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Dohse that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Presentation of Stipulation and Consent Orders

**Complaint 2024-007,
Commission v. Jose Antonio Ramirez**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2024-007, Commission v. Jose Antonio Ramirez. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Peter to enter into the Order as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

**Complaint 2023-016,
Ted Koolstra and Marion Koolstra v. Caitlin Lee Williams**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2023-016, Ted Koolstra and Marion Koolstra v. Caitlin Lee Williams. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Burleigh and seconded by Peter to enter into the Order as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

**Complaint 2023-016,
Ted Koolstra and Marion Koolstra v. Gina Lynn Lopez**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2023-016, Ted Koolstra and Marion Koolstra v. Gina Lynn Lopez. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Geiser and seconded by Ritter to enter into the Order as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

**Complaint 2023-016,
Ted Koolstra and Marion Koolstra v. Linda J. Dedic**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2023-016, Ted Koolstra and Marion Koolstra v. Linda J. Dedic. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Dohse and seconded by Peter to enter into the Order as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Disciplinary Hearings

There were no disciplinary hearings scheduled to be held at the meeting.

Informal Special Appearances

Christopher J. Kortan, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Kortan's special appearance; a letter of explanation from Mr. Kortan; character reference letters for Mr. Kortan; Mr. Kortan's salesperson application form; trial court cases from the State of Nebraska on Mr. Kortan's cases; Mr. Kortan's criminal history report, Mr. Kortan's previous special appearances in April 21, 2011, January 20, 2011 and August 19. A copy of said exhibit is

attached to and made a part of these minutes. A copy of said exhibit is attached to and made a part of these minutes. Mr. Kortan was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Kortan explained the situations regarding his criminal history.

A motion was made by Dohse and seconded by Ritter that Mr. Kortan not be allowed to sit for the salesperson examination at this time. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Daniel Janzen, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Janzen's special appearance; a letter of explanation from Mr. Janzen; character reference letters for Mr. Janzen; Mr. Janzen's salesperson application form; trial court cases from the State of Nebraska on Mr. Janzen's cases; and Mr. Janzen's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Janzen was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Janzen explained the situations regarding his criminal history.

A motion was made by Dohse and seconded by Peter that Mr. Janzen not be allowed to sit for the salesperson examination at this time. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Michael Watson, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Watson's special appearance; a letter of explanation from Mr. Watson; character reference letters for Mr. Watson; A Complaint and Stipulation of Settlement and Confession of Judgement in Douglas County for Mr. Watson; Mr. Watson's salesperson application form; trial court cases from the State of Nebraska on Mr. Watson's cases; and Mr. Watson's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Watson was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Watson explained the situations regarding his civil lawsuit.

After discussion, a motion was made by Dohse and seconded by Geiser to allow Mr. Watson to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Dustin Michael Kobolt, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Kobolt's special appearance; a letter of explanation from Mr. Kobolt; character reference letters for Mr. Kobolt; Mr. Kobolt's salesperson application form; a Petition and Affidavit to Obtain Harassment Order filed February 25, 2020, a Notice of Cancellation for contract with Omaha Love dated May

6, 2019 with Mr. Kobolt; an Order Dismissing Ex Parte Harassment Protection Order for Mr. Kobolt; and various email correspondence with Mr. Kobolt. A copy of said exhibit is attached to and made a part of these minutes. Mr. Watson was present.

Prior to discussion of this matter, Commissioner Dohse recused himself, thereby nullifying any potential conflict of interest.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Kobolt explained the situations regarding his past history.

A motion was made by Geiser and seconded by Peter that Mr. Kobolt not be allowed to sit for the salesperson examination at this time. Motion carried with Burleigh, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye, and with Dohse not participating or voting, having recused him/herself, thereby nullifying any potential conflict of interest.

Review and Approval of Travel to 2025 ARELLO Leadership Symposium and Board of Directors Meeting

Deputy Director Rut presented an exhibit regarding the estimated costs of one staff to attend. A copy of said exhibit is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Dohse to approve the reimbursement of expenditures for the staff who attend the meeting set forth in the exhibit. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Consideration of Drafting a Sample Buyer Agency Contract

Director Lemon explained that the Commission currently provides a sample of the listing contract and was seeking consideration to create a buyer agreement to be consistent. He indicated that should the legislative bill pass with the emergency clause, the Commission would need to be ready with any anticipated changes.

It was the consensus of the Commission that a draft of a sample buyer agency contract be brought to the Commission for review prior to the legislative bill being passed.

Discussion Regarding Sellers Agent Being Present at Closings and Inspections

Leighun Brabec, Manager at Home Real Estate in Lincoln, and Sabrina Saathoff with HomeServices Title in Lincoln were present to discuss this issue. Ms. Brabec explained that there have been discrepancies regarding agents being present at closings and inspections. She indicated that during covid it became common for agents not to be present at closing but since things are back to normal the industry should resume at being present should their clients request. It was noted that there is no rule or law that governs those who may or may not want to be present at closing therefore resulting in conflict between clients. Ms. Brabec requested a best practice based on agency law to provide guidance to the agents.

There was discussion regarding the Commissions involvement, the potential best practices, and over regulation. There was also discussion regarding the common practices in the community of the various Commissioners, and title companies.

There was further discussion that the Commission would consider the request.

No action was necessary on this report.

Conduct Interview with Director Candidates – Closed Session

On November 22, 2024, at 9:03 a.m., a motion was made by Burleigh and seconded by Dohse to go into closed session for discussion of personnel matters. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Chairperson Evnen indicated, prior to the closed session beginning, that the reason for the closed session was to personnel matters.

At 2:04 p.m., a motion was made by Burleigh and seconded by Dohse to reconvene in open session. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Adopt Greg Lemon Resolution

Chairperson Evnen presented a resolution commemorating service on the Commission by Greg Lemon. A copy of said resolution is attached to and made a part of these Minutes.

A motion was made by Dohse and seconded by Peter that the resolution for Greg Lemon be adopted as present. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Information Matters

ARELLO ARIS Conference – October 22-24, 2024 - Columbus, Ohio – Report of Attendees

Director Lemon noted that Deputy Director Lowery attended the ARELLO ARIS Conference.

The Attendee discussed their experience at the ARELLO Meeting.

No action was necessary on this report.

Law and Regulation Update

Director Lemon explained the changes were consolidate into one Legislative bill. He noted that he would be finding a Legislator to introduce the bill. He also noted that the changes to Nebraska Administrative Code Title 299, Chapter 8, and Title 305, Chapters 3 & 4 had been approved. He explained that the updated affected the service of process relating to deliver confirmations.

No action was necessary with regard to this matter.

Future Meeting Dates

January 16-17, 2025, Telegraph Lofts East Center, Lincoln
February 20-21, 2025, Telegraph Lofts East Center, Lincoln
March 20-21, 2025, Telegraph Lofts East Center, Lincoln
April 24-25, 2025, Telegraph Lofts East Center, Lincoln
May 15-16, 2025, Telegraph Lofts East Center, Lincoln
June 26-27, 2025, Telegraph Lofts East Center, Lincoln

Recesses and Adjournment

At 10:10 a.m. on November 21, Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:20 a.m.

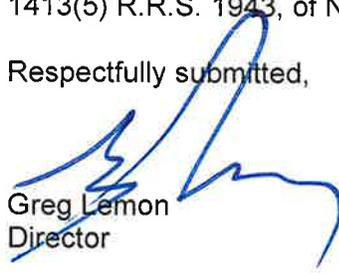
At 11:24 a.m. on November 21, Chairperson Evnen recessed the meeting.

At 9:00 a.m. on November 22, Chairperson Evnen reconvened the meeting.

At 2:10 p.m., there being no further business to come before the Commission, a motion was made by Dohse and seconded by Ritter that the meeting adjourn. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the November 21-22, 2024, meeting of the Nebraska Real Estate Commission were available for inspection on December 3, 2024, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Arla Meyer, Nebraska Realty, Lincoln
Sabrina Saathoff, HomeServices Title, Lincoln
Eric Ebeler, NP Dodge, Lincoln
Susan Clark, Nebraska REALTORS® Association, Lincoln
Kim Zwiener, Lincoln
Leighun Brabec, Home Real Estate, Lincoln
Charles Chadwick, PJ Morgan, Omaha,
Kim Braaten, Nebraska REALTORS® Association, Lincoln
Ashley Hendrickson, Nebraska REALTORS® Association, Lincoln