

NEBRASKA REAL ESTATE COMMISSION

March 20, 2025

Telegraph Lofts East Center

4th Floor Conference Room

Lincoln, NE

Opening

Acting Chairperson Peter convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on March 20, 2025, 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, with the exception of Chairperson Evnen, who was absent and excused. Also present were Director Joseph D. Gehrki, Deputy Director Monica Rut, Deputy Director for Education Melissa Belcastro, and Consultant Greg Lemon. J.L. Spray, Special Assistant Attorney General and Counsel to the Commission, was present for the discussion on Agenda item 15.

Notice of Meeting (Adopt Agenda)

Director Gehrki presented a public notice thereof relating to this meeting, which is attached to and made a part of these minutes. Acting Chairperson Peter 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.

Acting Chairperson Peter 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. Acting Chairperson Peter asked that guests sign the guest list.

Director Gehrki noted that agenda item 11b had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Dohse and seconded by Ritter to adopt the final agenda as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Minutes of February 20, 2025

The minutes of the Commission meeting held on February 20, 2025, 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, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Public Comment

Acting Chairperson Peter asked the members of the audience if anyone wished to come forward to provide public comment on Commission related business.

Director Gehrki introduced Christina Seyersdahl, the Finance officer at the Commission office and the future Deputy Director for Enforcement, William Boucher. The Commissioners welcomed Ms. Seyersdahl and Mr. Boucher to the Commission staff.

Xu Li addressed the Commission regarding the investigative processes and concerns regarding conflict of interest. He expressed his dissatisfaction regarding a complaint he filed against a real estate licensee which was dismissed previously by the Commission. He provided a file for the Commission to review along with a script of what he was planning on explaining to the Commission. Acting Chairperson Peter thanked Mr. Li for his remarks and indicated that the Commission would take the information provided to make efforts to improve transparency. Mr. Li indicated that he felt that the matter was not handled properly and that the minutes did not reflect all of his concerns as addressed at the January 2025 meeting. Acting Chairperson Peter explained that the Minutes were a summary not detailed reflection of his prior discussion. He further noted that he appreciated Mr. Li's thoughts.

Receipts and Expenditures Report for February

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

The cash fund balance as of February 28, 2025, was \$1,458,762.55, which compared to a cash fund balance of \$1,851,809.76 on September 30, 2024.

After discussion, a motion was made by Dohse and seconded by Ritter to file the February Receipts and Expenditures Report for audit. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Specialized Registrations

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

Director Gehrki 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 Dohse and seconded by Ritter to approve the amendment to the registration as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

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 Dohse and seconded by Ritter to ratify issuance of the licenses as set forth in the report. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and

excused.

License Statistic Report for March

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 - March

Deputy Director Belcastro presented for ratification the March 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 March Examination Report for the purpose of issuing licenses. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

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 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.

Continuing Education Activity Significant Change

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

Commission-Approved Training Instructor Recognition

Deputy Director Belcastro presented a Commission-Approved Training Instructor Recognition 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 Ritter to ratify the five reports. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Minutes of March 10, 2025, Education Advisory Group Meeting

Deputy Director Belcastro presented the Minutes from the March 10, 2025, Education Advisory Group Meeting, a copy of which is attached to and made a part of these minutes.

Deputy Director Belcastro explained the various topics discussed and indicated that the next meeting was scheduled for June 2, 2025.

No action was necessary on this report.

Approve Instructor Development Workshop Projected Expenses

Deputy Director Belcastro presented an exhibit regarding the proposed Instructor Development Workshop, a copy of which is attached to and made a part of these minutes.

Deputy Director Belcastro noted that this Workshop would be one-day and provided information regarding the proposed presenter. She anticipated the workshop expenses to be under budget as it was in the prior year.

A motion was made by Dohse and seconded by Burleigh to approve the expenditures for the Instructor Development Workshop and to provide the Workshop free of charge. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Pending Sworn Complaints and Investigative Matters

Consultant Greg Lemon 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 2024-027 - Belinda A Morrow & Shirley J McKellar v. Adam Briley & Vincent W Leisey and 2024-031 - Shirley J. McKellar & Belinda A. Morrow v. Adam Briley & Vincent W. Leisey

Consultant Greg Lemon 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, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Item B Complaint 2024-036 - Kevin Archer, Kacy Bell & Chris Delfs v. Alonza Hohl & James Stephenson

Consultant Greg Lemon 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, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Item C Complaint 2024-043 - Nicholas C Muchowicz v Bennett Alan Ginsberg

Consultant Greg Lemon 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, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Item D Complaint 2024-056

Consultant Greg Lemon 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 to file an amended complaint in order to ensure the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing.

After further discussion, motion carried with Dohse, Geiser, Ritter, and Peter voting aye, with Burleigh and Muraskin voting nay, and with Evnen, not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

**Complaint 2024-033,
Commission v. Amber Lee Howell**

Director Gehrki presented a Stipulation and Consent Order in the matter of Complaint 2024-033, Commission v. Amber Lee Howell. 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 Ritter to enter into the Order as presented. Motion carried with Burleigh, Dohse, Ritter, and Peter voting aye, with Geiser, and Muraskin voting nay, and with Evnen, not participating or voting, being absent and excused.

**Complaint 2024-029,
Commission v. Jon Michael Ruzicka**

Director Gehrki presented a Stipulation and Consent Order in the matter of Complaint 2024-029, Jon Michael Ruzicka. 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 Burleigh to enter into the Order as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Disciplinary Hearings

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

Informal Special Appearances

Alisha Ann Lockard, Salesperson Applicant

The special appearance scheduled for Alisha Ann Lockard was Postponed to a future meeting.

Dana Justine Mastel, Salesperson Applicant

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

Acting Chairperson Peter reviewed the procedure for informal special appearances.

Ms. Mastel explained the situations regarding her criminal history.

A motion was made by Dohse and seconded by Ritter that Ms. Mastel not be allowed to receive a real estate salesperson license at this time. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Alexandra Brown, Salesperson Applicant

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

Acting Chairperson Peter reviewed the procedure for informal special appearances.

Ms. Brown explained the situations regarding her criminal history.

A motion was made by Dohse and seconded by Ritter that Ms. Brown not be allowed to receive a real estate salesperson license at this time. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Anthony Tobin, Salesperson Applicant

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

Acting Chairperson Peter reviewed the procedure for informal special appearances.

Mr. Tobin explained the situations regarding his criminal history.

A motion was made by Dohse and seconded by Geiser that Mr. Tobin not be allowed to receive a real estate salesperson license at this time. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Stefanie Mari Mendoza, Salesperson Applicant

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

Acting Chairperson Peter reviewed the procedure for informal special appearances.

Ms. Mendoza explained the situations regarding her criminal history.

After discussion, a motion was made by Burleigh and seconded by Ritter to allow Ms. Mendoza to receive a real estate salesperson license after making proper application and to have a license issued upon passing. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Legislative Matters

LB 17 - No new information presented.

LB 29 - No new information presented.

LB 137 – No new information presented.

LB 185 – No new information presented.

LB 187 – Director Gehrki reported that the bill had been approved by the Governor on March 11. He explained that the statute is setting the foundation for the buyer agency agreements and speaks for itself. He noted that he would be meeting with the leadership of the Nebraska REALTORS® Association to coordinate implementation and discuss best practices. Commissioner Dohse explained that a minimum standard should be set and to seek input from legal counsel as well.

LB 299 – No new information presented.

LB 458 – No new information presented.

LB 469 – No new information presented.

LB 506 – No new information presented.

LB 565 – No new information presented.

LB 587 – No new information presented.

No action was necessary with regard to these matters.

Proposed Regulatory Changes

Consultant Lemon presented an exhibit of the proposed regulatory changes. A copy of said exhibit is attached to and made a part of these Minutes.

Consultant Lemon reviewed the exhibits a, b, and c, and explained the differences between the options provided for required courses. He also explained the process and procedures of rule and regulation changes and hearings to provide the Commission with a good understanding of future actions.

Consultant Lemon also explained that if receiving compensation from more than one party in a transaction a licensee is required to obtain a written disclosure signed and dated by all parties. He further explained that by changing the text in Title 299, Chapter 5 from “at or prior to” would allow signatures to be signed on one document to minimize paperwork. Director Gehrki also noted that this change would eliminate the conflict that is currently in the laws between the language in the statute and language in the regulation. Consultant Lemon also explained that the remaining changes in Chapter 5 are to delete references to returning paper licenses and to correct a reference.

Director Gehrki explained that changes related to buyer agency to Chapter 5 would go into effect in July 2025; while all other provisions would be effective January 1, 2026.

There was discussion regarding the pre-license education course requirements and content of the courses. They also discussed proactively updating the content with the providers and examination company. There was further discussion about an upcoming examination review scheduled for May 2025.

After further discussion, a motion was made by Dohse and seconded by Ritter to approve the draft language reflected in option 3 denoted as Exhibit 15c and set for hearing. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not

participating or voting, being absent and excused.

After further discussion, a motion was made by Dohse and seconded by Ritter to approve the draft language reflected in Exhibits 15d and 15e per staff recommendation and set for hearing. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Ritter, and Peter voting aye, and with Evnen, not participating or voting, being absent and excused.

Information Matters

ARELLO Mid-Year Conference - April 14-16, 2025 - San Diego, California

Director Gehrki explained that the deadline for registration was April 16, 2025, and the deadline for accommodations was March 19, 2025. He reported at this time Commissioner Burleigh, himself and Deputy Director Rut were planning on attending the conference.

No action was necessary on this report.

Future Meeting Dates

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
August 14-15, 2025, Telegraph Lofts East Center, Lincoln

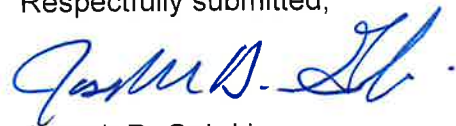
Recesses and Adjournment

At 10:24 a.m., Acting Chairperson Peter declared a brief recess, and reconvened the meeting at 10:34 a.m.

At 11:31 a.m., there being no further business to come before the Commission, the Chairperson declared the meeting adjourned.

I, Joseph D. Gehrki, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the March 20, 2025, meeting of the Nebraska Real Estate Commission were available for inspection on March 24, 2025, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Joseph D. Gehrki
Director

Guests Signing the Guest List

Amy Gewecke, Larabee School, Woods Bros Realty, Lincoln
Ashley Hendrickson, Nebraska REALTORS® Association, Lincoln
Kim Zwiener, Lincoln

Xu Li, Lincoln
Leighun Brabec, Home Real Estate, Lincoln
Julie Joeckel, Woods Bros, Lincoln