

## **NEBRASKA REAL ESTATE COMMISSION**

**May 15, 2025**

**Telegraph Lofts East Center**

**4<sup>th</sup> Floor Conference Room**

**Lincoln, NE**

### **Opening**

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 8:05 a.m. on February 29, 2025, in the 4<sup>th</sup> Floor Conference Room of the Telegraph Lofts East Center, located at 200 South 21<sup>st</sup> St in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Commissioner Geiser, who was absent and excused. Also present were Director Joseph D. Gehrki, Deputy Director Monica Rut, Deputy Director for Education Melissa Belcastro, Deputy Director for Enforcement William Boucher and Consultant Greg Lemon. J.L. Spray, Special Assistant Attorney General and Counsel to the Commission, was present for the Bebout Hearing.

### **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. 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 southwest 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 Gehrki noted that no agenda items 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 Peter to adopt the final agenda as presented. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

### **Minutes of April 24, 2025**

The minutes of the Commission meeting held on April 24, 2025, were considered.

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

### **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.

## **Financial Matters**

### **Receipts and Expenditures Report for April**

Director Gehrki presented the Receipts and Expenditures Report for April. 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 April 30, 2025, was \$1,300,885.95, which compared to a cash fund balance of \$1,720,638.81 on April 30, 2024.

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

### **Specialized Registrations**

There were no specialized registrations to be presented at the meeting.

### **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, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

### **License Statistic Report for May**

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

No action was necessary on this report.

### **Examination Report - April**

Deputy Director Belcastro presented for ratification the April 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 Ritter to ratify the April Examination Report for the purpose of issuing licenses. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser 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 Activity Substantial 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 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 a Commission-Approved Training Instructor Approval 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 three reports. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

### **Instructor Development Workshop**

Deputy Director Belcastro presented an exhibit regarding the scheduled 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 held for one day and elaborated on the speaker and content to be discussed. Deputy Director Belcastro indicated that the invitation was sent to all pre-license instructors and continuing education providers, and potential instructors would be welcome as well.

No action was necessary on this report.

### **Pending Sworn Complaints and Investigative Matters**

Deputy Director Boucher 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 2023-038 – Bennett Johnson vs. Kathleen Kay Dreesen

Deputy Director Boucher 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 against the respondent. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

After further discussion, a motion was made by Peter and seconded by Dohse that the Commission file a complaint on its own motion against the designated broker and managing broker at time of violation. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

**Item B** Complaint 2023-040 – Scott Shaw vs. Andrew (Drew) Halvorson

Deputy Director Boucher 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, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

**Item C** Complaint 2023-042 – George Quinones & Rubi Robles vs. Tinh Tran & Mary Cabral

Deputy Director Boucher 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, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

**Item D** Complaint 2023-047

Deputy Director Boucher 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 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. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

**Item E Complaint 2023-048**

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

It was the consensus of the Commission that Mr. Boucher further investigate this case and bring findings back at a future meeting.

**Item F Complaint 2023-050 – Brenda Smith and Rhonda Traver vs. Christine Anderson and Sharon Kay Bourne**

Deputy Director Boucher 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, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

**Item G Complaint 2024-039**

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

Deputy Director Boucher 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 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. Motion carried with Burleigh, Dohse, Muraskin, Peter, and Evnen voting aye, with Ritter not participating or voting, having recused herself, thereby nullifying any potential conflict of interest, and with Geiser not participating or voting, being absent and excused,

**Presentation of Stipulation and Consent Orders**

There were no Stipulation and Consent Orders to be presented at this meeting.

**Rule Hearings**

**Rule Hearing on Title 299, Chapters 1 and 5, and Title 301 Chapter 1– Amendments relating to mandating written buyer agency agreements for residential sales and add another 30-hour course to the salesperson pre-license education requirement**

At 10:00 a.m. on May 15, Chairperson Evnen called to order the public hearing on the proposed amendments to Title 299, Chapters 1 and 5, and Title 301 Chapter 1 of the Commission's Rules and Regulations.

Director Gehrki presented three exhibits, which included: 1) a copy of the meeting notice, which was published in two newspapers and filed with the Secretary of State, the Executive Board of the Legislative Council, and the Governor's Policy Research Office; 2) a copy of the Lincoln Journal-Star and Omaha Daily Record proofs of publication of the meeting notice; and 3) a copy of the proposed amendments to Title 299, Chapters 1 and 5, and Title 301, Chapter 1 in legislative style. Exhibits are attached to and made a part of these minutes.

Director Gehrki noted that written comments or testimony had been solicited, and he had received one written comment denoted as Exhibit 12a1 from the Nebraska REALTORS® Association in support of the proposed rule change.

Director Gehrki reviewed the proposed amendments set out in Title 299, Chapters 1 and 5, and Title 301 Chapter 1.

Chairperson Evnen asked if any member of the public wished to speak regarding the proposed amendments.

A motion was made by Dohse and seconded by Muraskin that the Commission adopt Title 299, Chapters 1 and 5, and Title 301, Chapter 1, and to direct staff to complete the filing process for the proposed rule changes. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

Chairperson Evnen declared the rule hearing concluded at 10:05 a.m.

## **Disciplinary Hearings**

### **Complaint 2024-030 - Commission vs. Tyler John Bebout**

A Hearing was held on May 15, at 10:10 a.m., in the matter of Complaint 2024-030, Commission vs. Tyler John Bebout. JL Spray, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Tyler John Bebout was present and not represented by Counsel.

After opening statements, Counsels Spray offered 13 Exhibits, all of which were received by Chairperson Evnen.

Counsel Spray called Greg Lemon and Tyler John Bebout as witnesses.

After closing arguments had been presented, Chairperson Evnen declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 11:11 a.m., a motion was made by Burleigh and seconded by Ritter to go into closed session to deliberate matters and to protect the reputation of Mr. Bebout. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

At 11:48 a.m., a motion was made by Burleigh and seconded by Ritter to reconvene in open session. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

A motion was made by Peter and seconded by Ritter in Complaint 2024-030, that Tyler John Bebout violated Neb. Rev. Stat. §81-885.24(14) and 81-885.24(29). Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

Chairperson Evnen opened the past disciplinary action envelope. It showed no prior disciplinary action against the Respondent

The Commissioners then discussed the penalty to be assessed.

A motion was made by Peter and seconded by Muraskin in Complaint 2024-030, that Tyler John Bebout should receive six months of probation, plus six hours of additional continuing education, three hours in the area of license law and three hours in the area of ethics. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

With the consent of the Respondent, Chairperson Evnen directed Counsel Spray to prepare the Order.

Chairperson Evnen notified the Respondent that as a part of the Order in this matter, the Respondent is required, under Nebraska Revised Statutes Section 84-914(1) and Title 305 Nebraska Administrative Code, Chapter 4-007.05, to pay the costs of the appearance fee by the court reporter, and any and all witness fees, including mileage and the cost of serving any witness. The Respondent will be billed by the Commission Office, or the amount may be specified in the Order, and will have thirty days from receipt of the costs to totally reimburse the Commission.

Chairperson Evnen announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 11:51 a.m.

### **Informal Special Appearances**

#### **Ty Ryan Zimmerman, Salesperson Applicant**

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

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

### **Carlos Mejia, Salesperson Applicant**

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Mejia explained the situations regarding his criminal history.

After discussion, a motion was made by Ritter and seconded by Peter to allow Mr. Mejia to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

### **Consider Best Practices and Written Buyers Representation Agreement Form**

Director Gehrki presented an exhibit of the proposed Best Practices and Written Buyers Representation Agreement Form. A copy of said exhibit is attached to and made a part of these Minutes. Consultant Greg Lemon was present to answer any questions the Commissioners might have.

Commissioner Gehrki indicated that LB187 bill passed the legislature which has a minor wording change which requires a written agency agreement with the party to be represented. He explained that both legal counsel and Consultant Lemon have reviewed the documents and if approved, would like to make it available as a sample on the Commissions website.

Consultant Lemon indicated that after review the contracts proposed by staff and attorney, there are just a few minor changes that need to be updated. Counsel Spray indicated that most of the changes are just terminology of an agreement versus contract but no substantive changes.

After discussion, a motion was made by Dohse and seconded by Ritter to authorize the Director to consult with outside counsel and post on website once the appropriate changes are made. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

There was discussion regarding compensation and changes to the agreement regarding compensation. It was stated by the Commissioners that if the compensation changes, a new



agreement must be obtained. They also discussed that the sample form is not mandatory to use but rather a sample agreement only.

There was further discussion regarding the disclosure of the broker administrative fee and the need to better define and provide transparency of what is included in this fee at a future meeting.

### **Contract Considerations**

Director Gehrki presented a list of the current contracts that will expire between June 30, 2025 and July 26, 2025. A copy of said exhibit is attached to and made a part of these minutes.

#### **Consider Renewal of the Examination Contract with Pearson VUE**

Director Gehrki noted that he contacted Pearson VUE and they would be willing to extend the contract for the same rate of \$70 per exam for an additional two-year term extending to June 30, 2027.

#### **Consideration and Approval of Fee Schedule and Reappointment of Pre-Hearing Officers**

Director Gehrki noted that we currently have three pre-hearing officers. He indicated that there was a request to change their hourly rate from \$200 to \$225.

#### **Consider Approval of Special Assistant Attorneys General Reappointment**

Director Gehrki noted that Mattson Ricketts Law Firm LLP is the firm that has been appointed to our agency. There are two attorneys that have been appointed as Special Assistant Attorneys General, Stephen Mossman and JL Spray. We would like to consider a renewal option to extend the terms of the agreement until July 1, 2026 with no change to the current fee schedule.

#### **Consider Renewal of Database Contract with i3 Splash, LLC**

Director Gehrki noted that i3 Splash, LLC currently provides services which include hosting and maintenance of the licensee database for the Commission. The current contract is for \$6,000 per month. He indicated that we would like to consider a renewal option to extend the terms of the agreement until July 26, 2026. He noted that the contract and amount is currently being reviewed.

A motion was made by Burleigh and seconded by Ritter to give Director Gehrki the authority to negotiate the above four contracts as discussed. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser 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** – No new information presented.

**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.

### **Information Matters**

#### **ARELLO Annual Conference - September 9-11, 2025 - Miami, FL**

Director Gehrki explained that the deadline for registration is August 31, 2025 and the deadline for room reservation is August 18, 2025. He asked which Commissioners were planning on attending the conference.

No action was necessary on this report.

### **Future Meeting Dates**

June 26-27, 2025, Telegraph Lofts East Center, Lincoln  
August 14-15, 2025, Telegraph Lofts East Center, Lincoln  
September 18-19, 2025, Telegraph Lofts East Center, Lincoln  
October 16-17, 2025, Telegraph Lofts East Center, Lincoln  
November 20, 2025, Telegraph Lofts East Center, Lincoln

### **Recesses and Adjournment**

At 9:00 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 9:04 a.m.

At 9:50 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:00 a.m.

At 10:07 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:10 a.m.

At 11:50 a.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, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

I, Joseph D. Gehrki, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the May 14, 2025, meeting of the Nebraska Real Estate Commission were available for inspection on May 16, 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**

Ashley Hendrickson, Nebraska REALTORS® Association, Lincoln  
Arla Meyer, Nebraska Realty, Lincoln  
Leighun Brabec, Home Real Estate, Lincoln  
Vince Leisey, BHHS Ambassador, Omaha  
Eric Ebeler, NP Dodge, Lincoln  
Amy Gewecke, Woods Bros Realty/Larabee School, Lincoln  
Megan Ourada, Home Real Estate, Lincoln  
Mitzi Garthright, Home Real Estate, Lincoln  
Brad Hulse, he 1867 Collective, Lincoln

