

SECTION 76-2 120 – MISREPRESENTATION ON SELLERS PROPERTY DISCLOSURE STATEMENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Stipulation and Consent Order entered August 20, 2020. Kays violated Neb. Rev. Stat. §81-885.24(16) - Violating any provision of sections 76-2401 to 76-2430 when he failed to provide an agency disclosure form to seller; Kays violated Neb. Rev. Stat. §81-885.24(22) Making any substantial misrepresentations, when he made substantial misrepresentations regarding the Sellers Property Condition Disclosure Statement; Kays violated Neb. Rev. Stat. §76-2421 (1) (a)(b) 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; Kays violated Neb. Rev. Stat. 76-2,120, specifically 76-2,120(2) Each seller of residential real property located in Nebraska shall provide the purchaser with a written disclosure statement of the real property's condition. The disclosure statement shall be executed by the seller, and Neb. Rev. Stat. 76-2,120(5) The disclosure statement shall be completed to the best of the seller's belief and knowledge as of the date the disclosure statement is completed and signed by the seller, when he made substantial misrepresentations regarding the Sellers Property Condition disclosure Statement; Kays 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, when he made substantial misrepresentations regarding the Sellers Property Condition Disclosure Statement and failed to provide an agency disclosure form to the seller at the first</p>	<p>2018-033 Michael J. Fix vs. Brian Eric Kays</p>	<p>August 20, 2020</p>	<p>License was suspended for a period of one (1) year with the entire period stayed and served on probation. Probation begins September 19, 2020 and continues thru September 19, 2021; Kays will need to take an additional three (3) hours of continuing education in the area of Disclosure due February 20, 2021; plus pay a civil fine of \$2,000.00, to be paid in installments of \$500.00 each due on September 19, 2020, October 19, 2020, November 18, 2020 & December 18, 2020.</p>

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practicable opportunity.	2018-033 Michael J. Fix vs. Brian Eric Kays (continued)		