

SECTION 76-2417 - FAILURE TO OBTAIN WRITTEN CONTRACT WITH SELLER

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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 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</p>	<p>98-012 - Commission vs. Mark F. Abboud</p>	<p>May 29, 1998</p>	<p>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.</p>

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<p>copy of the current brokerage disclosure pamphlet to a seller, landlord, 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 earnest money deposit to the listing broker; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as the broker.</p>	<p>98-012 - Commission vs. Mark F. Abboud (continued)</p>		
<p>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</p>	<p>98-015 – Commission vs. Fred L. Swett</p>	<p>May 19, 1998</p>	<p>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.</p>

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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 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 (continued)		
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, broker	August 18, 1998	Stipulation & Consent Order. License censured
<u>Sorensen</u> : Section 81-885.24(22) by making a substantial misrepresentation when stating the property had to sell for \$55,000 because of liens against the property; 76-2417 by failing to promote the interest of the client with the utmost good faith, loyalty and fidelity when he failed to present a written offer to the seller in a timely manner. <u>Stock</u> : 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, to wit: Title 299, N.A.C. Ch. 5-003.22 by failing to supervise his salesperson.	1999-010 Roger Rozeboom vs. John D. Sorensen & Ronald Edwin Stock	June 29, 1999	Stipulation and Consent Orders. <u>Sorensen</u> : License censured plus three (3) hours of continuing education in agency. <u>Stock</u> : License censured.
Section 76-2417 and 76-2422 by failing to obtain the written agreement of the seller and buyer permitting him to act as a dual agency.	1999-012 - Judy Wiles vs. Albert T. Schmuecker	June 29, 1999	Stipulation and Consent Order. License censured.
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, 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	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 (12) hours of additional continuing education to

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<p>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 wit 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.</p>	<p>1999-035 - Commission vs. Charles E. Degaillez (continued)</p>		<p>include three (3) hours in trust accounts, three (3) hours agency, three (3) hours in license law, and three (3) hours in disclosures.</p>
<p>Section 76-2417(1)(c)(ii) by failing to present written offers to the Seller, through the Court appointed Temporary Conservator in a timely manner regardless of whether the property is subject to a contract for sale or lease of a letter of intent to lease; 76-2422(2) by failing to enter into a written agency agreement with the Sellers, which includes the Respondent's duties and responsibilities specified in 76-2417,</p>	<p>2000-025 - Commission vs. Roger Theodore Waldo</p>	<p>October 2, 2000</p>	<p>Stipulation and Consent Order. License suspended for thirty (30) days from October 2, 2000 through October 31, 2000, with entire period stayed and served on probation; plus an additional 6 hours of continuing education, including 3 hours in the</p>

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the terms of the compensation, and whether an offer of subagency shall be made to any other designated broker before engaging in any of the activities enumerated in 81-885.01(2).	2000-025 - Commission vs. Roger Theodore Waldo (continued)		area of agency and 3 hours in the area of contracts to be completed by April 1, 2001.
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.	2000-020 - Marilyn & Jeff Pankoke vs. Jerome Henry Haase	December 13, 2000	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 June 12, 2001.
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 of continuing education 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 , 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.
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	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

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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 (continued)		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 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, 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; 3) a) a licensee acting as a seller's or landlord's agent owes no duty or obligation to a buyer, a tenant, or a prospective buyer or tenant, except that a licensee shall disclose in writing to the buyer, tenant, or prospective buyer or tenant all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts pertaining to: i) any environmental hazards affecting the property which are required by law to be disclosed; ii) the physical condition of the property; iii) any material defects in the property; iv) any material defects in the title to the property; or v) any material limitation on the client's ability to perform under the terms of the contract, specifically, Respondent failed to contact the owners to obtain their expressed permission to conduct an inspection after being requested to do so.	2004-011 - Brian A. Dostal & Russell S. Dostal vs. Thomas J. Haiar	June 14, 2004	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 ethics, to be completed by December 13, 2004.
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	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

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<p>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 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.</p>	2003- 038 - Commission vs. Mark Lester Stecker (continued)		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.
<p>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.</p>	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.
<p>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 preform the terms of the written agreement made with the client; (b) To</p>	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

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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 bro	2005-022 - Kathi Ward vs. Bruce Daniel Abraham (continued)		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, 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	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 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 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	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)

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<p>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 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</p>	<p>2006-039 - Commission vs. Ronald A. Henn (continued)</p>		<p>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.</p>

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<p>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 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</p>	<p>2006-039 - Commission vs. Ronald A. Henn (continued)</p>		

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<p>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.</p>	<p>2006-039 - Commission vs. Ronald A. Henn (continued)</p>		
<p>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</p>	<p>2006-019 - Melvin H. Willems vs. Thomas Eugene Dover, Jr.</p>	<p>December 14, 2006</p>	<p>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</p>

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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. (continued)		of agency, and three (3) hours in the area of contracts, to be completed by April 13, 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) 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	May 24, 2007	Stipulation and Consent Order. License censured; plus six (6) hours of additional 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 November 20, 2007.
<u>Boyer and Young</u> : Section 76-2417 (3)(a) A licensee acting as a seller's or landlord's agent owes no duty or obligation to a buyer, a tenant, or a prospective buyer or tenant, except that a licensee shall disclose in writing to the buyer, tenant, or prospective buyer or tenant all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts pertaining to: (i) Any environmental hazards affecting the property which are required by law to be disclosed; (ii) the physical condition of the property; (iii) any material defects in the property; (iv) any material defects in the title to the property; or (v) any material limitation on the client's ability to perform under the terms of the contract; and 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	2007-005 Charles E. and Janet S. Petersen vs. Mark Allen Boyer and Timothy William Young	January 24, 2008	Hearing held January 24, 2008. Commission's decision appealed to the District Court on March 21, 2008. Commission's decision affirmed by the District Court on November 10, 2008. Both real estate licenses suspended for a period of six (6) months with the entire suspension period served on probation. The suspension period served on probation commenced on March 23, 2008, and continued through September 19, 2008; plus an additional three (3) hours of continuing education in the area of disclosures to be completed by

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<p>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. Boyer and Young failed to disclose a known adverse material fact to the buyers, in writing, regarding the "risk of damage due to differential settlements" of the soil.</p>	<p>2007-005 Charles E. and Janet S. Petersen vs. Mark Allen Boyer and Timothy William Young (continued)</p>		<p>September 19, 2008.</p>
<p>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 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</p>	<p>2009-019 Commission vs. Sandra Kay Kester</p>	<p>June 30, 2009</p>	<p>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 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.</p>

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<p>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.</p>	<p>2009-019 Commission vs. Sandra Kay Kester (continued)</p>		
<p>Section 81-885.24 (22) Making any substantial misrepresentations. Bunger represented to the buyers that the damage would be taken care of by the sellers when initially the sellers refused to pay for the damage. And 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; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity. Bunger failed to prepare an Addendum in which the buyers and sellers would agree that sellers would complete the necessary repairs and that funds would be escrowed at closing from seller's proceeds to pay for the repairs.</p>	<p>2008-023 Travis and Dawn Kovarik vs. Ronald Earl Bunger and</p>	<p>July 9, 2009</p>	<p>Stipulation and Consent Order. License censured; 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 agency, and three (3) hours in the area of contracts, to be completed by January 5, 2010.</p>
<p>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 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</p>	<p>2009-026 Commission vs. Jennifer Lynn Hellman and Brady Keith Bock</p>	<p>July 9, 2009</p>	<p>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.</p>

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<p>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 parties and, failed to include a fixed date of expiration in the listing agreement.</p> <p><u>Bock</u>: 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.</p>	<p>2009-026 Commission vs. Jennifer Lynn Hellman and Brady Keith Bock (continued)</p>		
<p><u>Novotny</u>: 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.</p> <p><u>Wherley</u>: 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.</p>	<p>2009-012 Michele J. Bonge vs. Shelli Marie Novotny and Tammy L. Wherley</p>	<p>April 22, 2010</p>	<p>Stipulation and Consent Order, <u>Novotny</u>: 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. <u>Wherley</u>: 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</p>

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	2009-012 Michele J. Bonge vs. Shelli Marie Novotny and Tammy L. Wherley (continued)		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.
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. O'Brien's real estate salesperson's 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
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	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

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<p>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.</p> <p><u>Wojcinsk</u>: 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.</p>	<p>2009-042 Commission vs. John S. Krecek, John H. Dickerson and Deborah Ann Wojcinski (continued)</p>		<p>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.</p> <p><u>Dickerson</u>: 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.</p> <p><u>Wojcinski</u>: 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.</p>
<p>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</p>	<p>2009-055 Commission vs. Michelle Lynn Crowell</p>	<p>February 17, 2011</p>	<p>Stipulation and Consent Order. License is censured; plus an additional six (6) hours of continuing</p>

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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).	2009-055 Commission vs. Michelle Lynn Crowell (continued)		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. § 76-2417(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 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	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.

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representing; Warren offered brokerage 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 (continued)		
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 by providing the sellers with two false closing dates, and failing to advise the sellers that by signing the Addendum to the Purchase Agreement, it would reduce their net proceeds by \$500.00; Redwine violated Neb. Rev. Stat. § 81-885.24(16) by failing to obtain the informed written consent of both the Sellers and the Buyer permitting her to act as a dual agent for the proposed sale/purchase of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(19) in that she failed to include a fixed date of expiration in her Listing Agreement with the Sellers of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(22) in that she misrepresented in the Purchase Agreement that she was acting as a dual agent, at a time when she had never met the Buyer; Redwine 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, and, Title 299 Chapter 5-003.10, in that she failed to have the sellers sign and date the Sellers' "Estimated" Closing Cost Statement; Redwine violated Neb. Rev. Stat. § 81-885.24(29) demonstrating	2011-023 – Commission vs. Beverly Arlene Redwine	August 19, 2011	Stipulation and Consent Order. License is suspended for a period of ninety (90) days with the first fifteen (15) days served on suspension and the remainder stayed and served on probation. The suspension period commenced on August 25, 2011, and continued through September 8, 2011. The probation period commenced on September 9, 2011, and continues through November 23, 2011.; plus complete an additional nine (9) hours of continuing education to include three (3) hours in Agency, three (3) hours in Contracts and three (3) hours in License Law to be completed by December 22, 2011.

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negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by violating Neb. Rev. Stat. § 76-2422 (4), 81-885.24 (16), (19), (22) and 299 NAC 5-003.10, and by failing to identify in the Offer to Purchase how the buyer intended to pay the remainder balance of \$239,000.00.	2011-023 – Commission vs. Beverly Arlene Redwine (continued)		
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 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. §	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 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.

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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 (continued)		
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 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	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 submit documentary proof to the Commission that said courses have been satisfactorily completed.
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. § 76-2417 (1) (b) & (c) (iv). Froehlich failed to advise the seller to obtain expert advice as to the price and marketability of a unit in an out-of-state resort which was being offered by buyers as part of the purchase price, of	2012-001 – Commission vs. Monte L. Froehlich	June 28, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$1,000.00 to be paid by July 28, 2012; plus complete twelve (12)

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which unit Froehlich had knowledge as an owner of an interest in the same unit, but lacked the expertise to advise the seller of the price or the marketability; and Violated Neb. Rev. Stat. § Title 299, Chapter 5, Section 003.04. Froehlich failed to make known, in writing, to the seller, Froehlich's interest in a unit in the out-of-state resort prior to the seller being obligated to acquire the interest in the unit.	2012-001 – Commission vs. Monte L. Froehlich (continued)		hours of additional continuing education in the areas of "Agency", "Disclosures", "Ethics" and "License Law" by December 25, 2012.
Violated Neb. Rev. Stat. § 76-2417(1)(a)-(c) 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; and (c) to promote the interest of the client with the utmost good faith, loyalty, and fidelity; Neb. Rev. Stat. § 81-885.24(16) Unfair trade practice for violating any provisions of sections 76-2401 to 76-2430: for failing to have the Eberlys' initial one of the boxes in the Listing Agreement and allowing a Buyer's Agent to conduct an open house at Eberlys' property without obtaining prior written consent from the Eberlys.	2011-026 – John V. and Jamie D. Eberly vs. Timothy Charles Plate	September 27, 2012	Hearing held September 27, 2012. License censured; plus complete six (6) hours of additional continuing education, three (3) hours each in the areas of "Agency" and "Contracts" by February 6, 2013; Plus court reporter fees of \$220.00 due on or before November 7, 2012.
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; for using profane language directed at Seller, and for losing custody of the key to the Sellers property requiring Sellers to have the property rekeyed; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; 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, by losing custody of the key to the property causing Sellers to have to rekey the property.	2015-015 – Joan Phillips vs. Dennis James McGuire	August 18, 2016	Stipulation and Consent Order. License suspended for one (1) year with the first thirty (30) days served on suspension and the remainder of the period stayed and served on probation. Suspension commenced August 23, 2016, and continues through September 22, 2016; Probation commences on September 23, 2016 and continues through August 23, 2017; plus pay a civil fine of \$500.00 due September 17, 2016; plus complete an additional three (3) hours of continuing education in either 0748R Professionalism Required: High Standards of Professional Conduct, or 0349R Risk Management for Real Estate Professionals, or 0497R Ethics &

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<p>Violated Neb. Rev. Stat. § 76-2417(3)(a) (a) A licensee acting as a seller's or landlord's agent owes no duty or obligation to a buyer, a tenant, or a prospective buyer or tenant, except that a licensee shall disclose in writing to the buyer, tenant, or prospective buyer or tenant all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts pertaining to: (i) Any environmental hazards affecting the property which are required by law to be disclosed; (ii) the physical condition of the property; (iii) any material defects in the property; (iv) any material defects in the title to the property; or (v) any material limitation on the client's ability to perform under the terms of the contract, in that he did not disclose to the Complainants or their agent the February 3, 2015 Seller Property Condition Disclosure Statement (SPCD) or the October 2014 Water Event; violated Neb. Rev. Stat. § 299 NAC 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, in that he did not disclose to the Complainants or their agent the February 3, 2015 SPCD or the October 2014 Water Event at or prior to the time the Complainants signed an offer to purchase the Property; violated Neb. Rev. Stat. § 299 NAC 5-003.23 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, in that he did not deliver to the Complainants or their agent the February 3, 2015 SPCD prior to the closing of the transaction.</p>	<p>2015-015 – Joan Phillips vs. Dennis James McGuire (continued)</p> <p>2015-023 – Brian D. and Shannon M. Srb vs. David Lawton Kaseman</p>	<p>August 17, 2017</p>	<p>Professional Practice by February 17, 2017.</p> <p>Hearing held August 17, 2017. License suspended for two (2) years with the first thirty (30) days served on suspension and the remainder of the period stayed and served on probation. Suspension commenced on September 28, 2017 and continues through October 27, 2017; Probation begins on October 28, 2017 and continues through September 28, 2019; plus pay a civil fine of \$1,000.00 due September 26, 2017; plus pay court report cost of \$240.00 due September 26, 2017; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Disclosure and License Law by February 27, 2018.</p>
<p>Violated Neb. Rev. Stat. § 76-2417(1)(b) A licensee representing a seller or landlord as a seller's agent or a</p>	<p>2016-023 - Patricia A. Mohr vs. David Lester Swenson</p>	<p>August 16, 2018</p>	<p>Stipulation and Consent Order entered August 16, 2018. Nebraska</p>

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<p>landlord's agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client; when Mr. Swenson failed to represent the seller's best interests by not having a verbal agreement related to the transaction memorialized in writing, and not making the seller aware she could keep the Subject Property on the market for backup offers; violated Neb. Rev. Stat. § 76-2417(1)(c) 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: (i) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek additional offers to purchase the property while the property is subject to a contract for sale or to seek additional offers to lease the property while the property is subject to a lease or letter of intent to lease; (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; (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; when Mr. Swenson failed to represent the seller's best interests by not having a verbal agreement related to the transaction memorialized in writing, and not making the seller aware she could keep the Subject Property on the market for backup offers.]</p>	<p>2016-023 - Patricia A. Mohr vs. David Lester Swenson (continued)</p>		<p>Salesperson License was revoked effective August 16, 2018.</p>
<p>Tiller violated Title 299 NAC 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</p>	<p>2019-038 – Commission vs. Rachel Helen Tiller</p>	<p>August 20, 2020</p>	<p>Stipulation and Consent Order entered August 20, 2020. License is suspended for a period of thirty (30) days which begins September 19, 2020, and continues thru October 19, 2020. Probation period of twenty-three (23) months begins October 20, 2020 and continues thru September 20, 2022; Tiller will need to take an additional six (6) hours of continuing</p>

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<p>reasonably ascertainable or known to the buyer, when she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof; Title 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 and the seller. Such disclosure shall be attached to the Seller Property Condition Disclosure Statement, when she knew of errors, inaccuracies, or omissions and did not disclose them in writing to the client; Neb. Rev. Stat. Section 76-2417(1)(b) 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, when she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof; Neb. Rev. Stat. §81-885.24(16) - Violating any provision of sections 76-2401 to 76-2430, when she failed to disclose to the buyer certain adverse material facts; 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, when she failed to disclose to the buyer certain adverse material facts; 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 she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof.</p>	<p>2019-038 – Commission vs. Rachel Helen Tiller (continued)</p>		<p>education with three (3) hours each in the areas of Disclosure and License Law due February 20, 2021; plus pay a civil fine of \$1,000.00 due on September 19, 2020.</p>
<p>Torrence violated Neb. Rev. Stat. §76-2417 Seller's agent or landlord's agent; powers and duties; confidentiality; immunity; disclosures required. (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, including: (i) Seeking a price and</p>	<p>2020-034 – Commission vs. Michele Torrence</p>	<p>February 24, 2021</p>	<p>Stipulation and Consent Order entered February 24, 2021. License is Suspended for a period of five (5) years. Suspension begins March 26, 2021 and continues thru March 26, 2026; plus complete and additional six (6) hours of continuing education in course #0003-Developing Professional Conduct and Ethical</p>

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<p>terms which are acceptable to the client, except that the licensee shall not be obligated to seek additional offers to purchase the property while the property is subject to a contract for sale or to seek additional offers to lease the property while the property is subject to a lease or letter of intent to lease, (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; (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; (d) To account in a timely manner for all money and property received; (e) to comply with all requirements of sections 76-2401 to 76-2430, the Nebraska Real Estate License Act, and any rules and regulations promulgated pursuant to such sections or act; and (f) to comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes and regulations. (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. (3) (a) A licensee acting as a seller's or landlord's agent owes no duty or obligation to a buyer, a tenant, or a prospective buyer or tenant, except that a licensee shall disclose in writing to the buyer, tenant, or prospective buyer or tenant all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts pertaining to: (i) Any environmental hazards affecting the property which are required by law to be disclosed; (ii) the physical condition of the property; (iii) any material defects in the property; (iv) any material defects in the title to the property; or (v) any material limitation on the client's ability to perform under the terms of the contract. (b) A seller's or landlord's agent owes no duty to</p>	2020-034 – Commission vs. Michele Torrence (continued)		Practices by January 25, 2026; plus pay a civil fine of \$1,500.00 by March 26, 2021.

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<p>conduct an independent inspection of the property for the benefit of the buyer, tenant, or prospective buyer or tenant and owes no duty to independently verify the accuracy or completeness of any statement made by the client or any independent inspector. (4) A seller's or landlord's agent may show alternative properties not owned by the client to prospective buyers or tenants and may list competing properties for sale or lease without breaching any duty or obligation to the client. (5) (a) A seller or landlord may agree in writing with a seller's or landlord's agent that other designated brokers may be retained and compensated as subagents. (b) Any designated broker acting as a subagent on the seller's or landlord's behalf shall be a limited agent with the obligations and responsibilities set forth in subsections (1) through (4) of this section, when she removed funds from her broker trust account without proper authorization; violated Neb. Rev. Stat. §76-2418 Buyer's agent or tenant's agent; powers and duties; confidentiality; immunity; disclosures required. (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: (a) To perform the terms of any 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, including: (i) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek other properties while the client is a party to a contract to purchase property or to a lease or letter of intent to lease; (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; (iii) Disclosing in writing to the client 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; (d) To account in a timely manner for all money and property received; (e) To comply with all requirements of sections 76-2401 to 76- 2430, the Nebraska Real Estate License Act, and any rules and</p>	<p>2020-034 – Commission vs. Michele Torrence (continued)</p>		

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<p>regulations promulgated pursuant to such sections or act; and (f) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes or regulations. (2) A licensee acting as a buyer's or tenant'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 buyer's or tenant's agent for making any required or permitted disclosure. (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. (4) A buyer's or tenant's agent may show properties in which the client is interested to other prospective buyers or tenants without breaching any duty or obligation to the client. This section shall not be construed to prohibit a buyer's or tenant's agent from showing competing buyers or tenants the same property and from assisting competing buyers or tenants in attempting to purchase or lease a particular property. (5) (a) A client may agree in writing with a buyer's or tenant's agent that other designated brokers may be retained and compensated as subagents. (b) Any designated broker acting as a subagent on the buyer's or tenant's behalf shall be a limited agent with the obligations and responsibilities set forth in subsections (1) through (4) of this section, when she removed funds from her broker trust account without proper authorization; violated Neb. Rev. Stat. § 81-885.24(4) Commingling the money or other property of his or her principals with his or her own, when she</p>	<p>2020-034 – Commission vs. Michele Torrence (continued)</p>		

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removed funds from her broker trust account without proper authorization; 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 she removed funds from her broker trust account without proper authorization.	2020-034 – Commission vs. Michele Torrence (continued)		
Stipulation and Consent Order entered on September 14, 2023. [Licensee violated Neb. Rev. Stat. § 76-2417 3(a), § 76-2417 (1) (c) (iii), by Failure to disclose in writing to the buyer all adverse material fact actually known by licensee, acting as the sellers agent. Also committed unfair trade Failure to disclose in writing to the buyer all adverse material facts actually known by licensee acting as the sellers agent. Violated Neb. Rev. Stat. § 81-885.24 (16) & Neb. Rev. Stat. § 81-885.24 (29) by unfair trade practice demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]	2020-023 Christopher & Kerry Bylund vs. John J. Hanson	September 14, 2023	Licensee's Associate Broker's license will be Suspended for a period of (2) years, with the first 30 days served on suspension, and the remainder stayed and served on Probation. Suspension will commence on October 15, 2023 & continue until November 15, 2023. Probation will commence on November 16, 2023 and continues through November 16, 2025; Plus pay a civil fine of one thousand dollars (\$1000.00) due by December 14, 2023; Plus take additional continuing education classes, three (3) hours in the area of License Law and three (3) hours in the area of Disclosures, due by March 13, 2024.
[Gatechenko violated Neb. Rev. Stat. § 76-2417(1)(a) a licensee representing a seller shall have the following duties and obligations to perform the terms of the written agreement made with the client, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 76-2417(1)(b) To perform the terms of the written agreement made with the client, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 76-2417 (1)(c) to comply with all requirements of section 76-2401 to 76-2430 of the Nebraska License Act, and any rules and regulations promulgated pursuant to such sections of the act, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. §	2022-015 Kathryn Robin Allen vs. Joseph Vladimir Gatchenko	November 17, 2022	License to be suspended for a period of thirty-six (36) months, with the first one hundred and twenty (120) days served on suspension and the remaining suspension period stayed and served on probation. Suspension will commence on December 17, 2022 and continues through April 16, 2023. Probation shall commence on April 17, 2023 and continues through December 17, 2025; plus pay a civil fine of \$2000.00 due February 15, 2023; plus complete an additional six (6) hours of continuing education with

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<p>81-885.24 (16) commits unfair trade practices by “violating any provisions of 76-2401 to 76—2430 of the Nebraska License Act when Mr. Gatchenko presented a fake offer to the Buyer’s Agent to increase the sale price of the home; Title 299, Chapter 5-003.02 actions demonstrating negligence, incompetency, or unworthiness under section Neb. Rev. Stat. § 81-885.24 (29) conspiring with an applicant to represent to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparations of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon when he presented a fake offer to the Buyer’s Agent; Title 299, Chapter 5-003.07 failure of a licensee to comply with the requirements set forth in Neb. Rev. Stat. Sections 76-2401 - 76-2430 when Mr. Gatchenko presented a fake offer to the Buyer’s Agent to increase the sale price of the home; 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 when Mr. Gatchenko presented a fake offer to the Buyer’s Agent to increase the sale price of the home; Neb. Rev. Stat. § 81-885.24 (20) failure to include a fixed date of expiration on a written listing agreement and failing to leave a copy of the agreement with the principal when Mr. Gatchenko presented a fake offer to the Buyer’s Agent to increase the sale price of the home that did not include an expiration date; Neb. Rev. Stat. § 81-885.24 (22) it is an unfair trade practice to make substantial misrepresentations when Mr. Gatchenko presented a fake offer to the Buyer’s Agent to increase the sale price of the home; 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 Mr. Gatchenko presented a fake offer to the Buyer’s Agent to increase the sale price of the home.]</p>	<p>2022-015 Kathryn Robin Allen vs. Joseph Vladimir Gatchenko (continued)</p>		<p>three (3) hours in the area of ethics and three (3) hours in the area of contracts. These hours are due May 16, 2023; plus if Mr. Gatechenko violates any law administered by the Nebraska Real Estate Commission during the entirety of his suspension probationary period, it may result in a Show Cause proceeding being brought against him by the Commission, in which case, his Nebraska real estate salesperson’s license may be suspended for the remainder of the probationary suspension period, and, in addition to or as an alternative to such suspension the Commission may, as a result of the findings of such hearing, impose any other sanctions as provided in the Nebraska Real Estate License Act;</p>
<p>Stipulation and Consent Order entered on February 28, 2023.[Licensee doing business as Maxim Realty LLC, violated Neb. Rev. Stat. §76-2417 (1) (a-c) and Neb. Rev. Stat. §81-</p>	<p>2021-005 Stephen Anthony vs. Khanh Ngocluu Tran & Andrew James Panebianco</p>	<p>March 14, 2023</p>	<p>Licensee will be placed on Probation for one(1) year. Probation commences on April 8, 2023, and</p>

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885.24 (29) by issuing work orders that failed to correctly bill for services and accepted payment of rent from a tenant that was being evicted causing a cancelation of the eviction.]	2021-005 Stephen Anthony vs. Khanh Ngocluu Tran & Andrew James Panebianco (continued)		continues through April 8, 2024; plus pay a civil fine of \$2500 due on December 10, 2023; plus complete an additional six(6) hours of continuing education with three(3) in the area of ethics and three(3) in the area of contracts, which must be completed by August 27, 2023.
Licensee failed to exercise reasonable skill and care for his client, by his failure to present an offer and his refusal to communicate with his client, which is in violation of Neb. Rev. Stat. § 76-2417 (1) (a), a licensee representing a seller as a seller's agent shall be a limited agent with the following duties and obligations, and perform the terms of the written agreement made with the client; Neb. Rev. Stat. § 76-2417 (1) (b), to exercise reasonable skill and care for the client; and Neb. Rev. Stat. § 76-2417 (1) (c) (ii), presenting all written offers to and from the client in a timely manner. Licensee violated Neb. Rev. Stat. § 81-885.24 (16), violating any provisions of sections 76-2401 to 76-2430; Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson	2022-012 Mary Ahern vs. Robert Lawrence Cerveny	November 9, 2023	Licensee placed on Probation for two (2) years. Probation will commence on December 9, 2023 and will continue through December 9, 2025; licensee ordered to pay a civil fine of \$2000.00 due on February 7, 2024; licensee ordered to complete 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 contracts to be completed by May 7, 2024.
Stipulation and Consent Order entered on August 17, 2023.[Ms. Porter's failure to deposit in a separate trust account all monies received, failure to provide accurate accounting, and failure to remit monies owed constitutes a violation of NEB. REV. STAT. § 76-2418 (1) (a-e), NEB. REV. STAT. § 81-885.24 (3), NEB. REV. STAT. § 81-885.24 (4), NEB. REV. STAT. § 81-885.24 (5), 299 NAC 5-003.07, and NEB. REV. STAT. § 81-885.24 (16). Ms. Porter's representations that she was licensed to conduct property management for Mr. Erickson, as well as other landlords, and her unwillingness to turn over any documentation to the Commission is a violation of NEB. REV. STAT. § 81-885.02, NEB. REV. STAT. § 81-885.03 (2), NEB. REV. STAT. § 81-885.24 (26), and 299 NAC 2-003.07(c). Ms. Porter's representations that she had the appropriate license to conduct property management for Mr. Erickson, as well as other landlords, and her unwillingness to turn over documentation to the Commission is a violation of	2023-002 Richard Erickson v. Tanya Ann Porter	August 17, 2023	License was revoked; plus pay a civil fine of \$2,500 due by November 16, 2023.

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NEB. REV. STAT. § 81-885.24 (22), 299 NAC 5-003.17, and NEB. REV. STAT. § 81-885.24 (29).]	2023-002 Richard Erickson v. Tanya Ann Porter (continued		
