

Section 81-885.24(14) - NEGOTIATING OR SUBSTITUTING WHEN THERE IS AN EXCLUSIVE AGREEMENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(14) and (29) Demonstration of unworthiness and incompetence in handling listing contracts.	79-042 - Commission vs. Patricia L. Fraser and Raymond J. Fraser	February 5, 1980	<u>Patricia L. Fraser</u> : Salesperson's license suspended 90 days. <u>Raymond Fraser</u> : Dismissed.
Section 81-885.24(14) and (29) Demonstration of unworthiness and incompetence by negotiating sale in violation of known exclusive right to sell listing and indicating to sellers such listing was invalid.	79-016 - Susan Hopkins vs. Ronald Asmus	February 29, 1980	Broker's license suspended for 90 days.
Section 81-885.24(14) by requesting a seller to cancel a listing with another Broker and list the property with her; and 81-885.24(29) by altering the terms of a Purchase Agreement without the prior consent of the parties.	84-053 - Commission vs. Darlene Frost	March 12, 1985	Salesperson's license suspended for nine months, followed by three months on probation.
Section 81-885.24(14) by attempting to negotiate a sale of real estate directly with an owner when he knew said owner had a written outstanding listing contract with another Broker.	87-040 - Evelyn McFarland vs. John W. Ball, Jr.	March 25, 1988	Order of Censure.
Section 81-885.24(14) by negotiating with a seller in an attempt to break a listing with Complainant for the purpose of substituting a new listing contract, when she knew that the Complainant had an exclusive right to sell listing.	87-058 - James E. Boyd vs. Gerda Saulsbury	November 14, 1988	Broker's license suspended 60 days with last 45 days stayed & served on probation.
<u>Brake</u> : Section 81-885.24(29) by demonstrating negligence. <u>Francis</u> : Section 81-885.24(7) by representing a Broker, other than employer, without knowledge and consent of employer; 81-885.24(29) by demonstrating unworthiness to act as a Salesperson; 81-885.24(14) by negotiating a listing directly with an owner if he knows owner has written outstanding listing contract granting exclusive agency with another Broker.	90-022 - Sharon 90-021, Wright vs. Timothy Francis and Eugene Brake	December 28, 1990	<u>Brake</u> : License censured. <u>Francis</u> : Stipulation & Consent Order. License suspended for 90 days.

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Section 81-885.24(14) by negotiating a listing agreement directly with the owners of a parcel of property when Respondent knew or should have known that such property was exclusively listed with another Broker; and 81-885.24(29) by demonstrating negligence.	92-042 - Commission vs. Raymond William Dibelka	October 30, 1991	Stipulation and Consent Order. License censured.
Section 81-885.24(11)(12)(14)(29) by placing a sign on property offering it for sale or rent without the written consent of the owner or his or her authorized agent; offering real estate for sale or lease on terms other than those authorized by the owner or his or her authorized agent; negotiating a lease of real estate directly with the owner or lessor, fully knowing that said owner and lessor had a written outstanding listing contract granting an exclusive agency to another Broker to sell or lease said property; and by said acts, demonstrating negligence, incompetency or unworthiness to act as a Broker.	91-055 - IOC Realty Specialist, Inc. vs. Lucille Anne Champion	April 8, 1993	Revoked.
Section 81-885.24(13) by inducing owners of property he was managing under the employ of Complainant to break their management agreement and to sign new management agreements with him when he terminated his employment; 81-885.24(14) by mailing letters to all owners of property he was managing while in the employ of Complainant, he negotiated directly with said owners knowing that said owners were under contract with his employing Broker; 81-885.24(15) by mailing letters to all owners of property, he solicited discussions with said owners that he would accept property management agreements in the future; and 81-885.24(22) by stating, in letters sent to property owners, that Complainant's company would not have anyone to manage their property when he left their employ, nor have any maintenance capacity, thereby making substantial misrepresentations.	93-010 - Multi Vest Realty Company, Inc. vs. Donald Thompson	July 2, 1993	Suspend 180 days with last 90 days stayed and served on probation.

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Section 81-885.24(14)(29) by negotiating a co-listing agreement with the owner of property when he knew that such owner had a written outstanding listing contract in connection with such property with another Broker and by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-038 - Norm Green Realty & Auction vs. Ken Kunze	December 9, 1993	Suspend 6 months with first 2 weeks served on suspension and remainder of 6 months stayed and served on probation.
Section 81-885.24(14) by negotiating a sale of real estate directly with an owner when Respondent knew that such owner had a written outstanding listing contract in connection with such property granting an exclusive agency or exclusive right-to-sell to another Broker.	93-058 - Gayle Hahn vs. Karen Jill Ricketts	April 11, 1994	Stipulation and Consent Order. License suspended for 30 days with last 15 days stayed and served on probation, plus three additional hours of continuing education.
Section 81-885.24(14) by negotiating directly with an owner to withdraw from or break a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; 81-885.24(29) by demonstrating negligence to act as a salesperson in that she failed to determine the type of arrangement the sellers of the property had with WHY USA Independent Brokers although she had knowledge that some type of contract existed, and she caused information regarding her listing to be entered in the Multiple Listing Service prior to the date the listing commenced.	1999-021 - Commission vs. Susan R. Haggar	January 13, 2000	License censured.
Section 81-885.24(14) by negotiating a sales directly with an owner after knowing such owner has a written outstanding listing contract in connection with the property granting an exclusive agency or exclusive right to sell to another broker; 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, the Respondent violated Title 299, N.A.C., 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, by failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and by failing to obtain	2000-014 - Harold E. Nott & Adrian C. Lofgren vs. Kaylene B. Swanson	October 2, 2000	Stipulation and Consent Order. License suspended for 30 days from October 9, 2000 through November 7, 2000; plus an additional 6 hours of continuing education including 3 hours in the area of license laws and 3 hours in the area of agency to be completed by April 1, 2001.

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<p>the written signature of the seller and maintain a copy of the document in the transaction file; 81-885.24(29) by demonstrating negligence or incompetency to act as a broker for actions including incorrectly completing the Acknowledgment of Disclosure forms, not knowing when the listing expired, contacting the sellers when they had an exclusive listing with another agency rather than contacting the agency, and proceeding with closing without notifying the listing agent.</p>	<p>2000-014 - Harold E. Nott &amp; Adrian C. Lofgren vs. Kaylene B. Swanson</p>		
<p>Section 81-885.24(14) when Respondent negotiated the sale of real estate directly with an owner when he knew that such owner had a written, outstanding listing contract in connection with such property granting an exclusive agency to another broker and 81-885.24(29) by demonstrating negligence to act as the broker as demonstrated by the violation of 81-885.24(14) and by failing to deliver documents to his employing broker.</p>	<p>2003-023 - Commission vs. Michael Dean Slatten</p>	<p>May 28, 2003</p>	<p>Stipulation &amp; Consent Order. License suspended for 2 years from May 28, 2003, through May 27, 2005, with the entire period stayed and served on probation; plus an additional 12 hours of continuing education, including 3 hours in the area of agency, 3 hours in the area of license law, 3 hours in the area of contracts, and 3 hours in the area of trust accounts, to be completed by November 27, 2003.</p>
<p>Section 81-885.24(14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract.</p>	<p>2004-051 - Timothy E. Kuchta vs. Donald Christopher Miller</p>	<p>March 17, 2005</p>	<p>Stipulation &amp; Consent Order dated March 3, 2005. License censured; plus an additional three (3) hours of continuing education in the area of Ethics, to be completed by June 14, 2005.</p>
<p>Section 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; Neb. Rev. Stat. § 81-885.24 (14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a</p>	<p>2005-061 - Charles W. Concannon vs. Mark A. Nichols and 2005-062 - Charles W. Concannon vs. Mark A. Nichols and Beverly Alice Nichols</p>	<p>August 24, 2006</p>	<p><u>Beverly Nichols</u> - Dismissed. <u>Mark Nichols</u> - Stipulation and Consent Order. License suspended for a period of ninety (90) days, commencing on August 29, 2006 and continuing through November 27, 2006; plus an additional twelve (12)</p>

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<p>written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; 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; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson activity under a designated broker other than his employing broker and Title 299, Chapter 2-010 The consent required from the broker employing, i.e. employing broker, for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in Neb. Rev. Stat. 81-885.24(7) and (8), respectively, shall be given in writing by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. A copy of the consent shall be maintained by the employing broker for five years following the date of such consent. Nichols conducted a licensed real estate activity for a broker other than his employing broker and conducted the activity without his employing broker's written consent.</p>	<p>2005-061 - Charles W. Concannon vs. Mark A. Nichols and</p> <p>2005-062 - Charles W. Concannon vs. Mark A. Nichols and Beverly Alice Nichols</p>		<p>hours of continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, three (3) hours in the area of disclosures, and three (3) hours in the area of ethics, to be completed by December 22, 2006.</p>
<p>Violated Neb. Rev. Stat. § 81-885.24(14) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal; for failing to leave a copy of the Listing Agreement with the seller.</p>	<p>2011-036 – Ruth Richter vs. Craig William Horobik</p>	<p>April 19, 2012</p>	<p>Stipulation and Consent Order entered April 19, 2012. License censured; Plus a civil fine of \$250.00 to be paid by May 19, 2012; plus three (3) hours of additional continuing education in the area of "License Law", to be completed by July 18, 2012.</p>

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<p>Violated Neb. Rev. Stat. § 81-885.24(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner of his or her authorized agent; by failing to have the consent of all owners to manage the Property; Violated Neb. Rev. Stat. § 81-885.24(14) Negotiating a sale exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; for entering into a Management Agreement with one of the owners on April 22, 2011, at a time when the Property was under a Management Agreement with another broker granting that broker an exclusive agency to manage the Property; Violated 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. § 81-885.24(12) and (14).</p>	<p>2012-007 – Commission vs. Keith Eugene Morris</p>	<p>April 19, 2012</p>	<p>Stipulation and Consent Order. License suspended for thirty (30) days. The suspension period commenced on May 19, 2012, and continued through June 18, 2012; plus complete six (6) hours of additional continuing education with three (3) hours each in the areas of “Contracts” and “License Law” to be completed by August 17, 2012.</p>
<p>Connell violated Neb. Rev. Stat. § 81-885.24(14) - Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; by contacting, communicating, and/or negotiating with Respondent for the sale of the Property; Neb. Rev. Stat. § 81-885.24(15) - Discussing or soliciting a discussion of, with an owner of a property which is exclusively listed with another broker, the terms upon which the broker would accept a future listing upon the expiration of the present listing unless the owner initiates the discussion;</p>	<p>2018-026 – Lanny Billings vs. Bruce Delmar Connell</p>	<p>April 21, 2020</p>	<p>Stipulation &amp; Consent Order entered April 21, 2020. License is placed on Probation for two (2) years with the first thirty (30) days served on Suspension. Suspension begins on May 21, 2020, and continues thru June 19, 2020, Probation begins June 20, 2020, and continues thru May 21, 2022; plus take an additional six (6) hours of continuing education with three (3) hours each in the areas of Disclosure &amp; Ethics due July 20, 2020.</p>

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by contacting, discussing, and soliciting a discussion with the Complainant for the sale of the Property; 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; by contacting, discussing, and soliciting a discussion with Complainant for the sale of the Property.	2018-026 – Lanny Billings vs. Bruce Delmar Connell		