

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(22) by making a substantial misrepresentation; Title 299, Ch. 5-003.17 failure to disclose to a buyer, a material fact regarding condition of parcel of real estate of which he has knowledge; Title 299, Ch. 5-003.19 failure to supervise associate Brokers or Salespersons; and 81-885.24(29) by demonstrating negligence and unworthiness to act as a Broker.	89-067, 89-069, 90-020, 90-026 - Schaeffer Petersen, Bastemeyer, Hathaway & Ammerman vs. Ralph Heavrin and Gerald Fischer	September 24, 1990	<u>Heavrin</u> : Suspend 6 months. <u>Fischer</u> : Suspend 3 months.
<u>Richter</u> : Section 81-885.24(22) (29). Richter misrepresented buyer could assume loan when knew could not qualify. <u>Kean</u> : Section 81-885.24(29). Kean should have known buyer could not qualify.	90-038 - Randy & Stephanie Bruning vs. Edna Richter & Tom Kean	June 3, 1991	<u>Kean</u> : Suspended 15 days. <u>Richter</u> : Suspended 60 days.
Section 81-885.24(22) and (29) by making substantial misrepresentations and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson by failing to properly exercise her duties as a notary public.	91-063 - Commission vs. Sally A. Vinson	February 25, 1992	Stipulation and Consent Order. License suspended for 12 months with last 6 months stayed and served on probation; 12 hours additional education; and voluntarily relinquish notary public commission.
Section 81-885.24(22) and (29) by making substantial misrepresentations and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson by failing to properly exercise her duties as a notary public.	91-064 - Commission vs. Terry A. Dunford	February 25, 1992	Stipulation and Consent Order. License suspended for 12 months with last 6 months stayed and served on probation; 12 hours additional education; and voluntarily relinquish notary public commission.
Section 81-885.24(22) by making substantial misrepresentation, and Title 299, Ch. 5-003.16 by failing to submit all written offers.	91-056 - Sandra Lee Dippel vs. Patricia N. Gonsier and Lyn Strauss	March 10, 1992	<u>Gonsier</u> : Stipulation and Consent Order. License suspended for 120 days with last 75 days stayed and served on probation, 12 hrs. additional continuing education. <u>Strauss</u> : Stipulation and Consent Order. License suspended for 120 days with last 110 days stayed and served on probation, 12 hrs. additional continuing education.
Section 81-885.24(22) by substantial misrepresentation to the buyers that the Respondent had authority to sell the real estate to them; 81-885.24(22) by making a substantial misrepresentation to the buyers in failing to notify the buyers that the property was no longer insured against fire; 81-	92-052 - Commission vs. James D. Sanders	January 14, 1993	Stipulation and Consent Order. License suspended for 1 year with last 6 months stayed and served on probation.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a real estate Broker.	92-052 - Commission vs. James D. Sanders (continued)		
Section 81-885.24(22) by making a substantial misrepresentation.	93-006 - Commission vs. Audrey Hancock	April 27, 1993	Order of Censure.
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.
Section 81-885.24(22) by knowingly participating with others to circumvent prohibitions in the submission of bids on HUD properties, thereby making substantial misrepresentations; and 81-885.24(29) as such conduct demonstrates negligence, incompetency or unworthiness to act as a Broker.	92-074 - Commission vs. George Ronald Geringer	September 21, 1993	Revoked.
Section 81-885.12(3)(4) by making a false statement of material fact as an applicant for a real estate Broker's license; 81-885.24(22) by making any substantial misrepresentation when applying for Respondent's real estate Broker's license; and 81-885.24(28) by being convicted of a felony.	95-013 - Commission vs. Harold D. Goings	July 3, 1995	Stipulation and Consent Order. License censured with stipulation to place license on inactive status as of July 3, 1995 until rights are restored through pardon, at which time the license will be reinstated so long as pardon is granted within three years. License to be revoked July 3, 1998 if such evidence is not provided.
Section 81-885.24(22) by making substantial misrepresentation to the buyers; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	94-068 - Lowell D. & Deborah S. Nelson vs. Daniel Spence	January 31, 1996	License suspended 90 days, with last 60 days stayed and served on probation; plus additional 12 hours of continuing education, to include at least one Ethics

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	94-068 - Lowell D. & Deborah S. Nelson vs. Daniel Spence (continued)		course.
Section 81-885.24(22) by substantial misrepresentation; 81-885.24(26) by failing to produce a document in the Respondent's possession or under his control concerning a real estate transaction under investigation by the Commission; Ch. 5-003.17 by violating rules or regulations adopted and promulgated by the Commission; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness.	95-054 - Commission vs. Scott W. Bloemer	July 1, 1996	License revoked. Motion for New Hearing and Stay of Execution denied - July 22, 1996.
Section 81-885.24(22) by advising buyer that offer was accepted but that sellers needed a little time to find a house; 81-885.24(20) by failing to deliver within a reasonable time, a completed and dated copy of the Purchase Agreement; and 81-885.24(29) by demonstrating negligence to act as a Salesperson.	96-021 - Brian Schaecher vs. Teri Ann Medelman	June 28, 1996	Stipulation and Consent Order. License suspended 30 days with an additional 6 hours of continuing education in license and contract law to be completed within 6 months.
Section 81-885.24(22) by making a substantial misrepresentation; 81-885.24(26) by violating a rule or regulation adopted by the Commission, to wit: Ch. 5-003.13 by accepting other than cash or cashable check as earnest money; Ch. 5-003.10 by failing to give Sellers closing costs & failing to prepare an estimate or have one signed; Ch. 5-003.11 by failing to give purchaser closing costs & failing to prepare an estimate or have one signed; Ch. 5-003.14 by failing to deposit earnest money in 48 hours; Ch. 3-006 by failing to deposit earnest money in her trust account in 48 hours & failing to transfer it to the listing broker; Ch. 5-003.24 by failing to give a copy of disclosure statement to the purchaser or get it signed; Ch. 5-003.23 by failing give disclosure statement to the purchaser or their agent; 81-885.24(5) by failing to maintain and deposit all money received by a broker; and 81-885.24(29) by demonstrating unworthiness to act as a Broker.	96-046, 97-010 - Commission vs. Jillian Ann Currie	March 20, 1997	Stipulation and Consent Order. License suspended 45 days, plus 6 hours additional continuing education, 3 hours in trust accounts and 3 hours in written disclosures.
Section 81-885.24(22) by making substantial misrepresentation and Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.) Appealed to Lancaster County District Court. Commission decision affirmed.	96-044 - Don & Beverly Hamill vs. Larry Geiger, broker.	March 20, 1997	License revoked.

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Section 81-885.24(26) by violating a rule or regulation, to wit: Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 3-006 by failing to transfer money to listing broker, Ch. 5-003.04 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.10 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.11 by failing to give buyer an estimate of closing costs or have it signed, Ch. 5-003.07 by failing to comply with 76-2401 through 76-2430 in the following: 76-2420 by failing to adopt a written agency policy; 76-2421 by failing to properly complete or retain an agency pamphlet, Ch. 5-003.23 or Ch. 5-003.24 by failing to deliver a copy of the disclosure statement to the purchaser & get a signed receipt, Ch. 3-002 by failing to maintain a bookkeeping system; 81-885.21 by failure to notify Commission of a trust account; 81-885.24(3) by failing to account for other's money; 81-885.24(5) by failing to deposit all money; 81-885.24(22) by making substantial misrepresentation; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.	97-003 - Commission vs. Cameron Houston Thomas	April 1, 1997	Stipulation and Consent Order. License suspended one year; plus an additional 9 hours continuing education, 3 hours in trust accounts, 3 hours in disclosures, and 3 hours in license law.
Section 81-885.24(2) by intentionally using advertising which misrepresents the services of the business conducted; 81-885.24(22) by making substantial misrepresentation to the owners regarding the advertising; and 81-885.24(29) by demonstrating negligence.	96-040 - Marylou Mele vs. Linda Miller, 96-045 - Commission vs. Linda Eileen Miller & Loretta M. Eppley	April 17, 1997	Stipulation and Consent Order. Licenses suspended twelve months, with entire period served on probation.
Section 81-885.12 by having made a false statement of material fact on his Application for License as a Real Estate Salesperson and his Application for Annual Renewal of Real Estate License; 81-885.24(22) by making substantial misrepresentation on his Application for License as a Real Estate Salesperson and his Application for Annual Renewal of Real Estate License; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a real estate Salesperson.	97-022 - Commission vs. Paul E. Busch	August 20, 1997	License Revoked.
Section 81-885.24(22) by making a misrepresentation and 81-885.24(29) by demonstrating negligence to act as a real estate salesperson.	97-045 - Catherine L. Cherino vs. Nikki Sheppard	January 21, 1998	Stipulation and Consent Order. License suspended for 90 days with last 60 days on probation, with an additional 6 hours of continuing education to include 3 hours in

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	97-045 - Catherine L. Cherino vs. Nikki Sheppard (continued)		ethics and 3 hours in disclosures to be completed by April 21, 1998.
<p><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.</p> <p><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.</p>	1999-010 Roger Rozeboom vs. John D. Sorensen & Ronald Edwin Stock	June 29, 1999	<p>Stipulation and Consent Orders.</p> <p><u>Sorensen</u>: License censured plus three (3) hours of continuing education in agency.</p> <p><u>Stock</u>: License censured.</p>
Section 81-885.24(22) and (29) by providing substantial misrepresentations and demonstrating negligence, incompetence or unworthiness to act as a broker, associate broker, or salesperson.	1999-003 Gareld Jules Jouvenat vs. William J. White	August 23, 2000	License suspended for five and one-half years commencing on February 15, 2000, with the last two years of said suspension stayed and served on probation.
Section 81-885.24(22) by making a material misrepresentation when delivering a Purchase Agreement indicating Respondent had received a \$1,000.00 earnest deposit from Buyer when in fact he had not; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness in failing to advise the Listing Agent at the time of delivery of the first Purchase Agreement and at the time of his later telephone conference advising the Listing Agent "We have a deal" that he had not received the earnest deposit from this client.	2000-042 - Michael G. & Judith K. Metz vs. Earl Jeffrey Allen	March 27, 2001	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education including three (3) hours in the area of contracts and three (3) hours in the area of trust accounts to be completed by September 26, 2001.
Section 81-885.12 by making a false statement of a material fact on an application; 81-885.24(22) by making a substantial misrepresentation on an application made to the Commission; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	2001-013 - Commission vs. Dennis L. Kilmer	May 23, 2001	License revoked.
Section 81-885.24(22) by making a substantial misrepresentation; 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. 5-003.07 by failing to comply with the requirements set forth	2001-038 - William J. & Cindy C. Sarraillon vs. Vincent Muniz, Jr.	April 3, 2002	Stipulation & Consent Order. License suspended for thirty (30) days with entire period served on probation from April 3, 2002, through May 2, 2002; plus an additional six (6) hours of continuing education, including three (3) hours in the

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<p>in 76-2401 through 76-2430, particularly, 76-2418(1)(b) by representing a buyer but failing to exercise reasonable skill and care for the client; 76-2419 by failing to perform the terms of the written agreement and exercise reasonable skill and care for the client and promote the interest of the client with the utmost good faith, loyalty and fidelity; 76-2421(1) by failing, at the earliest practicable opportunity during or following the first substantial contact with the seller or buyer who has not entered into a written agreement for brokerage services to provide that person with a written copy of the current brokerage disclosure pamphlet which as been prepared and approved by the Commission and disclose in writing which party the licensee is representing; 81-885.24(29) by demonstrating negligence to act as a salesperson.</p>	<p>2001-038 - William J. & Cindy C. Sarraillon vs. Vincent Muniz, Jr. (continued)</p>		<p>area of agency and three (3) hours in the area of license law to be completed by October 2, 2002.</p>
<p><u>G. Barnard</u>: Section 76-2421 by failing, at the earliest practical opportunity during or following the first substantial contact with sellers who have not entered into a written agreement for brokerage services with the designated broker, to disclose in writing to those persons the types of brokerage relationships that the designated broker and affiliated licensees are offering to the persons or disclose in writing to the persons which party the licensee is representing; 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, NAC, Ch. 5-003.10 by failing to identify in writing at the time the offers were presented and accepted, those categories of cost the seller will be expected to pay at closing and by failing to prepare a written estimate of cost the seller will be expected to pay, to the extent the necessary cost information is reasonably available; Ch. 5-003.20 by failing to inform a buyer of zoning restrictions that might apply to certain real estate and could have an adverse impact upon Belding's intended use of the property; 81-885.24(29) by demonstrating incompetency to act as a broker by failing to exercise reasonable skill and care for his client Belding, failing to inform Belding of the zoning restrictions that might apply to property he purchased and which could have an adverse impact upon</p>	<p>2001-001, 2001-002, 2001-029 - Ronald E. & Julie A. Belding vs. Gary A. Barnard; Ronald P. & Vicki A. Hasley vs. Gary A. Barnard & Kerri Ann Barnard; Kevin Patrick McNenny & Frances Morrissette McNenny vs. Gary A. Barnard</p>	<p>December 18, 2001</p>	<p><u>G. Barnard</u>: Stipulation and Consent Order. License suspended for one (1) year from December 19, 2001, through December 18, 2002, with the first thirty (30) days served and the remainder served on probation; plus an additional twelve (12) hours of continuing education including three (3) hours in the area of disclosure, six (6) hours in the area of agency, and three (3) hours in the area of property exchanges to be completed by June 17, 2002.</p> <p><u>Barnard Swoboda</u>: Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in the area of agency to be completed by June 17, 2002.</p>

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<p>Belding's intended use of the property, and by failing to disclose a buyer knowledge of a lawsuit regarding the title to property owned by the Hasleys.</p> <p><u>Barnard Swoboda</u>: Section 81-885.24(22) when Respondent made the representation that she was a Limited Buyer's Agent rather than a Limited Seller's Agent; 81-885.24(26) by violating a rule or regulation promulgated by the Commission in the interest of the public, specifically, Title 299, NAC, Ch. 5-003.23, by failing as an agent of the seller to deliver a copy of the Seller Property Condition Disclosure Statement to the purchaser before the effective date of any contract entered into which binds the purchaser to purchase the real estate; 81-885.24(29) by demonstrating negligence.</p>	<p>2001-001, 2001-002, 2001-029 - Ronald E. & Julie A. Belding vs. Gary A. Barnard; Ronald P. & Vicki A. Hasley vs. Gary A. Barnard & Kerri Ann Barnard; Kevin Patrick McNenny & Frances Morrisette McNenny vs. Gary A. Barnard (continued)</p>		
<p>Section 81-885.24(2) by intentionally using advertising which is misleading and inaccurate in any material particular or in any way misrepresents any property, terms, values, policies or services of the business conducted, specifically, advertising a 4.91 acre parcel as 8 acres in the Omaha World Herald on June 4, 2000; 81-885.24(22) by making a misrepresentation, specifically, that the property was represented by Respondent to be approximately 8 acres when said property was 4.91 acres; 81-885.24(29) by demonstrating negligence to act as an Associate Broker; 76-2421(1) by failing 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, to provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing to that person the type of brokerage relationships a designated broker and affiliated licensees are offering to that person, and by failing to disclose in writing to that person which party the licensee is representing, specifically, failed to complete an Acknowledgment of Disclosure form with the Complainants on or before June 5, 2000.</p>	<p>2002-024 - Allan & Susan Arp vs. Richard Merle Wardell</p>	<p>December 11, 2002</p>	<p>Stipulation & Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in agency and three (3) hours in license law to be completed by February 10, 2003.</p>

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<p>Section 76-2418(1) by failing to exercise reasonable skill and care for the buyers and by failing to promote the interests of the client with the utmost good faith, loyalty and fidelity in that Respondent did not allow the buyers to have a furnace and air-conditioning inspection, selected the closing date for Respondent's convenience, failed to discuss home inspections and home warranty plans and failed to allow the buyers to have a final walk-through inspection; § 76-2419(2) in that Respondent failed to exercise reasonable skill and care for the buyers and to promote the interests of the buyers with the utmost good faith, loyalty, and fidelity, as follows: Respondent discouraged the buyers from having a furnace and air-conditioning inspection rather than encourage same, Respondent selected the closing date of Respondent's convenience rather than the convenience of the buyers, Respondent failed to discuss and recommend to the buyers home inspections and home warranty plans, and Respondent failed to recommend the buyers have a final walk-through prior to closing; § 76-2421(1) by failing at the earliest practical opportunity during or following the first substantial contact with a buyer who has not entered into a written agreement for brokerage services with a designated broker to provide that person with a written copy of the current Brokerage Disclosure pamphlet, and by failing to 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; § 81-885.24(22) by making a substantial misrepresentation in that Respondent represented to the buyers the furnace and air-conditioning system worked fine and an inspection would be a waste of money; § 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson in that he failed at the earliest practicable opportunity during or following the first substantial contact with the buyers: to provide them with a written copy of the current Brokerage Disclosure Pamphlet, to disclose in writing to the buyers the types of brokerage relationships Respondent was offering to the buyers, and to disclose in writing to the buyers which party Respondent was</p>	<p>2003-021 - Commission vs. Gary William Smith</p>	<p>August 20, 2003</p>	<p>Stipulation and Consent Order. License suspended for six (6) months, with the first fifteen (15) days served on suspension and the remainder of the period stayed and served on probation, from September 1, 2003, through February 29, 2004; 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 license law, to be completed by February 29, 2004.</p>

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representing and further, Respondent advised the buyers: the furnace and air-conditioning system worked fine and an inspection of same would be a waste of money.	2003-021 - Commission vs. Gary William Smith (continued)		
Section 76-2421(1)76-2421(1) for failing at the earliest practicable opportunity during or following the first substantial contact with Buyer who had not entered into a written agreement for brokerage services with the designated broker, to provide Buyer with a written copy of the current brokerage disclosure pamphlet prepared and approved by the Commission, failed to disclose in writing to the Buyer the types of brokerage relationships Respondent and her broker were offering to Buyer, and failed to disclose in writing to that person which party Respondent was representing, specifically Respondent showed properties to Buyer as early as December, 2002, and failed to complete the Acknowledgment of Disclosure for Buyer until January 27, 2003; 81-885.24(22) by making a substantial misrepresentation, that being the ten feet of vacated alley at the rear of Buyer's property was included in the property offered for sale to Buyer when in fact it was not; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.	2003-058 - Commission vs. Suzanne Marie Morehead	December 10, 2003	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 license law, to be completed by March 8, 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 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	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 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.

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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.	2003- 038 - Commission vs. Mark Lester Stecker (continued)		
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 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 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 broker.	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 November 16, 2007, with the entire period served on probation; plus an additional nine (9) hours of 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 81-885.24 (22) Making any substantial misrepresentations, for representing the size of a lot as 5 acres in size when the lot was only 3.5 acres in size; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence to act as an associate broker by representing the size of a lot as 5 acres in size when the lot was only 3.5 acres in size.	2005-045 - Glen and Peggy Evert vs. Jeannine Ruth Guthrie	March 23, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of disclosures to be completed by June 23, 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	Probation. Suspension period to commence on September 1, 2006. Plus an additional twelve (12) hours of

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

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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; 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</p>	<p>2006-039 - Commission vs. Ronald A. Henn (continued)</p>		

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
the seller) when he negotiated the assignment of the sale from the buyer to another buyer; Henn assisted in the procurement of a buyer 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.	2006-039 - Commission vs. Ronald A. Henn (continued)		
81-885.21 (1) Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separate, insured non-interest-bearing checking account in this state in his or her name or the name under which he or she does business which shall be designated a trust account in which all down payments, earnest money deposits, or other trust funds received by him or her, his or her associate brokers, or his or her salespersons on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all parties having an interest in the funds have agreed otherwise in writing; Title 299 Chapter 3.001 It shall be the duty of every broker to preserve for five years, following its consummation, records relating to any real estate transaction; Neb. Rev. Stat. § 81-885.24 (26) Violating any	2006-046 - Commission vs. Lucie Jungjohann-Hazel	November 2, 2006	Stipulation and Consent Order. License revoked

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act; Title 299 Chapter 3.002 Every broker shall maintain a bookkeeping system which will accurately and clearly disclose full compliance with the law relating to the maintaining of trust accounts; Neb. Rev. Stat. § 81-885.24 (5) Failing to maintain and deposit in a separate non-interest-bearing checking account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; Neb. Rev. Stat. § 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others; Neb. Rev. Stat. § 81-885.24 (4) Commingling the money or other property of his or her principals with his or her own; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker for violating each of the above license laws. Jungjohann failed to maintain a bookkeeping system which clearly and accurately accounted for trust funds coming into her possession; Jungjohann failed to deposit trust funds coming into her possession into a trust account; Jungjohann failed to preserve for five years, records relating to a real estate transaction; Jungjohann made substantial misrepresentations; Jungjohann failed to account for and remit any money coming into her possession belonging to others; Jungjohann commingled money of her principals with her own; and Jungjohann demonstrated negligence, incompetence, or unworthiness to act as a broker.</p>	<p>2006-046 - Commission vs. Lucie Jungjohann-Hazel (continued)</p>		
<p>Section 81-885.24 (22) Making any substantial misrepresentations and Neb. Rev. Stat. § 81-885.24 (29) by demonstrating unworthiness to act as a salesperson. Clark explicitly and falsely representing that he was licensed to act as a real agent under Iowa law; Clark implicitly represented through his actions that he could lawfully assist</p>	<p>2005-028 - Commission vs. David M. Clark</p>	<p>November 2, 2006</p>	<p>Hearing held January 18, 2006. Appealed to the District Court of Lancaster County. Appeal dismissed October 10, 2006. License suspended for twelve (12) months with suspension to begin on November 13, 2006, with the first month</p>

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
the buyers in negotiating for the purchase of an Iowa property and that he could lawfully prepare an offer to purchase on the Iowa property; and Clark engaged in acts in violation of the laws of the State of Iowa requiring an Iowa real estate license.	2005-028 - Commission vs. David M. Clark (continued)		served on suspension. The balance of said suspension served on probation to commence on December 13, 2006, and continue through November 12, 2007; 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, all to be completed by November 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.
Section 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 broker or salesperson has knowledge. Said written disclosure shall be signed and dated by 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 reasonably ascertainable or known to the buyer; Neb. Rev.	2006-076 Kirk Helmink, Nebraska Dirtworks, Inc vs. Ronald James Perry	June 28, 2007	Stipulation and Consent Order dated June 28, 2007. License suspended for a period of one (1) year, to commence on July 6, 2007, and to continue through July 6, 2008; plus an additional three (3) hours of continuing education in the area of ethics to be completed by December 25, 2007.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 broker by failing to disclose, in writing, that the subject property had liens filed against the property and representing that the property was free and clear of liens or encumbrances.	2006-076 Kirk Helmink, Nebraska Dirtworks, Inc vs. Ronald James Perry (continued)		
Section 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 broker. Yates misrepresented the terms of the lease between seller and tenant to the purchaser.	2007-015 Lindsey DeBerry vs. Shannon Kole Yates, Broker.	October 11, 2007	Stipulation and Consent Order. License censured; plus six (6) hours of additional continuing education with three (3) hours in the area of contracts and three (3) hours in the area of license law to be completed by April 8, 2008.
Section 76-2422 (4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, for failing to obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; 81-885.24 (22) Making any	2008-014 Commission vs. Michael Patrick Earl	May 5, 2008	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by November 1, 2008.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
substantial misrepresentations for misrepresenting himself in the Purchase Agreement and throughout the transaction to be a limited Buyer's Agent when actually he was acting as a limited Dual Agent without the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson for misrepresenting himself in the Purchase Agreement and throughout the transaction to be a limited Buyer's Agent in the transaction and for failing to obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction.	2008-014 Commission vs. Michael Patrick Earl (continued)		
Section 81-885.24 (22) Making any substantial misrepresentation and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson by indicating in the receipt section of Offer to Purchase that she had received an earnest money deposit of \$500.00, when in fact she had not received said earnest money deposit.	2007-070 Jeremy and Cristal Hansen vs. Kerri Lea Pearson	October 30, 2008	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of contracts and three (3) hours in the area of license law to be completed by April 28, 2009.
Section 81-885.24 (18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a nonresident who is licensed in his or her resident regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country; 81-885.24 (22) Making any substantial misrepresentations; 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430; 76-2418 (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	2007-064 Commission vs. John Steven Headlee	December 4, 2008	Stipulation and Consent Order. License suspended for a period of thirty (30) days immediately followed by eleven (11) months probation. Suspension period commenced on December 5, 2008, and continued through January 4, 2009. The probationary period commenced on January 5, 2009, and continues through November 5, 2009; plus an additional nine (9) hours of continuing education with three (3) hours in the area of disclosures, three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed by June 3, 2009.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Headlee provided compensation for past and future referrals to a person who had not first secured his or her license under the Nebraska Real Estate License Act; Headlee made material misrepresentations to the buyer with respect to Headlee's knowledge about termites on the property; and, Headlee failed to disclose to the buyers, in writing, an adverse material facts regarding termites which fact was actually known by Headlee.	2007-064 Commission vs. John Steven Headlee (continued)		
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.	2008-023 Travis and Dawn Kovarik vs. Ronald Earl Bunger and 2009-022 Commission vs. Ronald Earl Bunger	July 9, 2009	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.
<u>Diane Lee Powers:</u> Violated Title 299 Chapter 5 Section 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. § 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller and attaching the written disclosure to the Seller Property Condition Disclosure Statement; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for	2010-006 – James E. Sanford vs. Diane Lee Powers and Michael Stuart Powers	February 17, 2011	<u>Diane Lee Powers:</u> Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of "Disclosures" to be completed by June 17, 2011; plus pay a civil fine of \$500.00, on or before March 18, 2011. <u>Michael Stuart Powers:</u> Stipulation and Consent Order. License censured; plus

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>representing in the Seller Property Condition Disclosure Statement that there had been no prior hail damage to the roof, and that there had been no insurance claims filed against the roof; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for violating Title 299 Chapter 5 Section 003.25 and Neb. Rev. Stat. § 81-885.24 (22). <u>Michael Stuart Powers</u>: Violated Title 299 Chapter 5 Section 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. § 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller and attaching the written disclosure to the Seller Property Condition Disclosure Statement; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for representing in the Seller Property Condition Disclosure Statement that there had been no prior hail damage to the roof, and that there had been no insurance claims filed against the roof; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for violating Title 299 Chapter 5 Section 003.25 and Neb. Rev. Stat. § 81-885.24 (22).</p>	<p>2010-006 – James E. Sanford vs. Diane Lee Powers and Michael Stuart Powers (continued)</p>		<p>an additional three (3) hours of continuing education in the area of “Disclosures” to be completed by June 17, 2011; plus pay a civil fine of \$500.00, on or before March 18, 2011.</p>
<p>Violated Neb. Rev. Stat. § 76-2418(1) A licensee representing a buyer as a limited Buyer’s Agent shall have 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; for failing to postpone or delay closing on the property when it was discovered that the Warranty Company would not cover the furnace, air-conditioner, and humidifier, and for omitting page three of the furnace company’s inspection report to the Warranty Company; Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a buyer, 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 shall (a) Provide that person with a written copy of the</p>	<p>2011-008 – Commission vs. Eric Scott Lundstrom</p>	<p>March 17, 2011</p>	<p>Stipulation and Consent Order. License suspended for one (1) year, with the first thirty (30) days served on suspension and the eleven (11) month remainder stayed and served on probation; plus an additional nine (9) hours of continuing education in the area of “Agency”, “Disclosures” and “Ethics” to be completed by July 15, 2011.</p>

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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; for failing to provide an agency disclosure to the buyers at the earliest practicable opportunity during or following the first substantial contact; Neb. Rev. Stat. § 81-885.24(16) Unfair trade practice for a real estate licensee to “violate any provision of sections 76-2401 to 76-2430; specifically violating Neb. Rev. Stat. § 76-2418(1)(b)(c) and 76-2421(1)(a)(b); Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; by omitting page three of the furnace company’s inspection report to the Warranty Company; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as broker, associate broker, or salesperson; for violating Neb. Rev. Stat. §§ 76-2418(1)(b)(c); 76-2421(1)(a)(b); 81-885.24(16); and 81-885.24(22).</p>	<p>2011-008 – Commission vs. Eric Scott Lundstrom (continued)</p>		
<p>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</p>	<p>2011-023 – Commission vs. Beverly Arlene Redwine</p>	<p>August 19, 2011</p>	<p>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.</p>

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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.</p>	<p>2011-023 – Commission vs. Beverly Arlene Redwine (continued)</p>		
<p>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; 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; for failing to complete an Agency Disclosure with the buyers on first substantial contact; Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; 1) For falsely</p>	<p>2012-012 – Commission vs. Lydia Beth Moyer</p>	<p>April 19, 2012</p>	<p>Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by May 19, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of "Agency" and "License Law", to be completed by August 17, 2012.</p>

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>representing in the Agency Disclosure dated October 7, 2010, that she was acting as a limited Buyer's Agent instead of a limited Seller's Agent, and 2) For falsely representing in the Offer to Purchase dated October 7, 2010, that she was a limited Buyers' Agent when she was actually a limited Sellers' Agent. 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. §§ 76-2421(1) (a) (b) and 81-885.24(22).</p>	<p>2012-012 – Commission vs. Lydia Beth Moyer (continued)</p>		
<p>Violated 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; Arney incorrectly advertised in the MLS Data Sheet that the home has 3,871 square feet and Arney incorrectly advertised in a flyer that the home has over 3,800 square feet; Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentation; Arney falsely represented in the MLS Data Sheet that the home has 3,871 square feet and Arney falsely represented in a flyer that the home has over 3,800 square feet; 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(2) and (22), and for inaccurately measuring the square footage of the home.</p>	<p>2011-022 – Steve and Cathy Sickler vs. Joan Elizabeth Fink-Arney</p>	<p>May 17, 2012</p>	<p>Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by June 16, 2012; plus complete three (3) hours of additional continuing education in the area of "Disclosures" by September 14, 2012.</p>
<p>Violated 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; for improperly using the Realtor logo and specific disclaimers in her Purchase Agreement indicating that she was a member of the Nebraska Realtors Association and governed by its Code of Ethics and Rules and Regulations; Violated Neb. Rev. Stat. § 81-885.24 (22) making any substantial misrepresentation; for improperly using the Realtor logo and specific disclaimers in her Purchase Agreement indicating that she was a member of the Nebraska Realtors</p>	<p>2012-025 – Ronald Rohde Vs. Patricia Ann Lunz</p>	<p>March 21, 2013</p>	<p>Stipulation and Consent Order entered March 21, 2013. License censured; plus a civil fine of \$200.00 to be paid by April 20, 2013.</p>

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Association and governed by its Code of Ethics and Rules and Regulations; 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 (2) and (22).	2012-025 – Ronald Rohde Vs. Patricia Ann Lunz (continued)		
Violated 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; by advertising the property for sale after the expiration date of the listing contract with the sellers. 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 or his or her authorized agent; for failing to have sellers' spouses sign the listing contract. Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for telling a Buyer's Agent that the property was sold when it was not. 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(2)(12) and (22).	2013-028 – Joyce Krings vs. Michael Joseph Korth	January 22, 2014	Stipulation and Consent Order entered January 22, 2014. License censured; plus a civil fine of \$1,000.00 to be paid by February 21, 2014; plus complete an additional three (3) hours of continuing education each in the areas of Ethics and License Law by May 22, 2014.
Violated Neb. Rev. Stat. § 76-2422(4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be	2014-013 – Commission vs. Jane Hartman Heimbouch	June 25, 2014	Stipulation and Consent Order entered June 25, 2014. License revoked.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. Stat. § 81-885.01(2) Broker means any person who, for any form of compensation or consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. State § 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</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note that an individual refused to sign an Agency Disclosure; Neb. Rev. State § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others by failing to timely deposit or remit earnest monies, failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(4) Commingling the money or other property of his or her principals with his or her own, by failing to timely deposit or remit earnest monies, also failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; 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; by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges;</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboch (continued)</p>		

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and to protect interests of her clients. Heimbouch also failed to truthfully and timely inform her clients of the status of transactions concerning their properties and to competently complete paperwork; 299 NAC 3-005 Earnest money deposits and other deposits relating to the sale of real estate shall be kept in a separately identified trust account and all other trust funds may be deposited in another separately identified trust account, by failing to timely deposit or remit earnest monies, to keep separate and/or commingling earnest money received from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and failed to protect the interests of her clients; 299 NAC 5-003.14 Failure to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided in the purchase agreement. In the event an offer is not accepted, said earnest money deposit shall be returned forthwith, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; 299 NAC 5-003.15 Withholding earnest money when the purchaser or seller is rightfully entitled to the money; provided, a broker may retain funds to cover expenses he or she has prepaid for a purchaser or seller from the broker's funds, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(20) Failing to deliver within a reasonable time a completed and</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller, by failing to deliver a written copy of the offer and/ or purchase agreements; 299 NAC 5-003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted when the licensee is: the limited seller's agent for the property; the prospective purchaser's limited buyer's agent; or the dual agent of the seller and the prospective purchaser, by failing to deliver a written copy of offers and/or purchase agreements; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, by advising clients of offers without the necessary documents and also disclosing personal information about possible clients.	2014-013 – Commission vs. Jane Hartman Heimbouch (continued)		
Violated Neb. Rev. Stat. § 81-885.24(22) unfair trade practice for a real estate licensee to make “any substantial misrepresentations” when he misrepresented to the Buyers in December of 2012 that he had no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing and that he did not know whether any tests had been conducted for the presence of lead-based paint on the Property, when he had authorized the EPA to access the Property to perform a lead-based paint assessment thereon on January 26, 2011 and he signed documents from the EPA’s contractor on December 6, 2011, which informed Briley that the lead-based paint assessment on the Property had been completed.; violated 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 in that he provided Buyers with a Seller Property Condition Disclosure Statement, which contained a misrepresentation, by checking the “do not Know” box in response to Section B, Question 4, which asks whether lead-based paint had been on the Property and whether any tests had been conducted for the presence of lead-based paint on the Property; violated Neb. Rev. Stat. § 81-885.24(26) unfair trade practice for a real estate licensee to violate any rule or	2014-003 – Daniel and Susana Torres vs. Adam Briley	November 25, 2014	Hearing held November 25, 2014. License suspended for three (3) years, with the entire period stayed and served on probation; plus pay a civil fine of \$1,500.00 by December 25, 2014; plus complete an additional three (3) hours of continuing education in the area of disclosures to be completed by May 25, 2015.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act by violating 299 NAC 5.003.25; violated Neb. Rev. Stat. § 81-885.24(29) unfair trade practice for a real estate licensee to demonstrate negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson by misrepresenting to the Buyers in December of 2012 that he had no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing and that he did not know whether any tests had been conducted for the presence of lead-based paint on the Property, when he had authorized the EPA to access the Property to perform a lead-based paint assessment thereon on January 26, 2011 and he had signed documents from the EPA's contractor on December 6, 2011, which informed Briley that the lead-based paint assessment on the Property had been completed.	2014-003 – Daniel and Susana Torres vs. Adam Briley		
Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; by representing that there was a valid Residential Lease with Option to Purchase(hereafter the "Lease Agreement") when there wasn't one and resided on the property for three (3) years without a Lease Agreement, Mr. Mitchell also misrepresented the Client/Agent relationship and the Agency Relationship in which he was acting on October 31, 2010; 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; by making substantial misrepresentations regarding the Residential Lease, the option to purchase the Property, his agency, and the capacity in which he was acting after October 31, 2010.	2015-008 – Commission vs. Felix Dwayne Mitchell	November 19, 2015	Hearing held November 19, 2015. License suspended for three (3) years with the first sixty (60) days served on suspension and the remainder stayed and served on probation. Suspension commenced on January 7, 2016 and continues through March 6, 2016. Probation commences on March 7, 2016 and continues through January 7, 2019; plus pay a civil fine of \$2,000.00 due January 7, 2016, plus pay hearing cost in the amount of \$200.00 by January 7, 2016; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law by June 8, 2016.
Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, in that Mr. Khorram made substantial misrepresentations involving the condition of the Property and by failing to identify all material defects in the Property; Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a	2015-012 – Tyler Zach vs. Cyrus M. Khorram	November 17, 2016	Hearing held November 17, 2016. 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 January 6,

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section, in that Mr. Khorram made substantial misrepresentations involving the condition of the Property and by failing to identify all material defects in the Property.			2017, and continues through February 5, 2017; Probation commences on February 6, 2017 and continues through January 6, 2018; plus pay a civil fine of \$1,000.00 due January 28, 2017; Plus pay hearing fees of \$400.00 due January 28, 2017; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law by June 29, 2017.
Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, she made a substantial misrepresentation by saying the key to the Property was "safe" when it was not in her possession, custody, or control; 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, by providing the key to the buyer prior to closing without having seller's consent to do the same.	2016-001 – Timothy A. Ogle Vs. Z Z Moaveni	January 18, 2018	Hearing held January 18, 2018. License was put on probation for a period of two (2) years. Probation begins on February 25, 2018 and continues through February 25, 2020; plus pay hearing fees of \$320.00 due February 25, 2018; plus pay a civil fine of \$1,500.00 due February 25, 2018; plus complete an additional three (3) hours of continuing education in the area of License Law by July 26, 2018.
Violated Neb. Rev. Stat. § 76-2422(4) a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419, by failing to include his duties and responsibilities, to both the seller and buyer; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430 when he failed to include his duties and responsibilities to both buyer and seller; violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations when he represented to the Parties he was a dual agent, and when he represented his duties and responsibilities to the Parties; 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 (a) Mr. Basye failed to enter into and/or obtain written consent permitting him to serve as a dual agent as described by	2017-024 - Commission vs. Ryan Basye	April 19, 2018	Stipulation and Consent Order entered April 19, 2018. License suspended for a period of one (1) year with the entirety stayed and served on probation. Probation commences on May 19, 2018 and continues through May 19, 2019; plus pay a civil fine of \$1,500.00 due May 19, 2018; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law by October 19, 2018.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Neb. Rev. Stat. § 76-2422(4) and 76-2419; (b) Mr. Basye did not list the licensee's duties and responsibilities as required; (c) Mr. Basye did not confirm in writing the party or parties responsible for paying any compensation prior to or at the time a contract to purchase the Property was entered; and (d) Mr. Basye made substantial misrepresentations about his role in the transaction.	2017-024 - Commission vs. Ryan Basye (continued)		
Violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; when Mr. Beers failed to provide the buyers an "Agency Disclosure Information for Buyers, and Sellers" identifying himself as a limited dual agent, and when he failed to execute a "Consent to Dual Agency Agreement" with the sellers and the buyers that included his duties and responsibilities to both buyer and seller; violated Neb. Rev. Stat. § 76-2422(4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, Mr. Beers failed to have the	2017-017 - Commission vs. Matthew John Beers	August 16, 2018	Stipulation and Consent Order entered August 16, 2018. License suspended for a period of fifteen (15) months with the entire period to be stayed and served on probation. Probation commences on September 15, 2018 and continues through December 15, 2019; plus pay a civil fine of \$2,500.00 due September 15, 2018; and complete twelve (12) hours of additional continuing education with three (3) hours each in the areas of Agency, Contracts, Ethics and License law on or before February 16, 2019.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Sellers and Buyers sign a "Consent to Dual Agency" and for failing to provide the buyers with an "Agency Disclosure Information for Buyers, and Sellers" identifying himself as a limited dual agent; violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; when Mr. Beers represented to the Buyers the earnest money would be returned to them; 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 (a) Mr. Beers failed to enter into and/or obtain written consent permitting him to serve as a dual agent as described by Neb. Rev. Stat. §§ 76-2422(4) and 76-2419; and (b) represented to the buyers that the earnest money would be returned to them.	2017-017 - Commission vs. Matthew John Beers (continued)		
Rasmussen violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; by repair and/or replacement of a septic tank without being a certified professional under the Nebraska Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act.; Rasmussen 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; by installing a septic tank without being a state certified installer.	2017-023 - Commission vs. Matthew Rasmussen	October 25, 2019	Stipulation and Consent Order entered October 25, 2019. License suspended for a period of three (3) years with the first ten (10) months served on suspension, and the remainder to be stayed and served on probation. Suspension begins November 1, 2019, and continues through September 1, 2020. Probation will begin on September 2, 2020 and continue through November 1, 2022; plus pay a civil fine of \$2,500.00 due September 1, 2020, if fine is not received by this date Mr. Rasmussen will remain on Suspension until the Civil Fine is paid; plus take an additional six (6) hours of continuing education with three (3) hours each in the areas of Ethics and License Law due January 23, 2020.
Bock violated Neb. Rev. Stat. § 81-885.24(3) - Failing to account for and remit any money coming into his or her possession belonging to others, when he failed to adhere to estimates or seek approval for overages; Bock violated Neb. Rev. Stat. § 81-885.24(22) - Making any substantial misrepresentations, when he failed to stay within the timelines of the client and misrepresented the costs of the remodeling as well as the misrepresentations that the Property was ready for rent; Bock violated Title 299,	2020-009 – Commission vs. John Eric Bock	April 21, 2020	Stipulation and Consent Order entered April 21, 2020. License censured; plus take an additional three (3) hours of continuing education in the area of Contracts due June 20, 2020; plus pay a civil fine of \$1,000.00 by May 21, 2020.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Chapter 5, Section 003.19 - Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities, when Bock failed to supervise the repairs and painting of the property; Bock 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 Bock failed to adhere to the estimate or seek approval for overages, Bock failed to stay with the timelines of the client and misrepresenting the costs of the remodeling as well as the misrepresentations that the property was ready for rent and failing to supervise the repairs and painting of the property.	2020-009 – Commission vs. John Eric Bock (continued)		
Kays violated Neb. Rev. Stat. §81-885.24(16) - Violating any provision of sections 76-2401 to 76-2430 when he failed to provide an agency disclosure form to seller; Kays violated Neb. Rev. Stat. §81-885.24(22) Making any substantial misrepresentations, when he made substantial misrepresentations regarding the Sellers Property Condition Disclosure Statement; Kays violated Neb. Rev. Stat. §§76-2421 (1) (a)(b) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Kays violated Neb. Rev. Stat. 76-2,120, specifically 76-2,120(2) Each seller of residential real property located in Nebraska shall provide the purchaser with a written disclosure statement of the real property's condition. The disclosure statement shall be executed by the seller, and Neb. Rev. Stat. 76-2,120(5) The disclosure statement shall be	2018-033 – Michael J. Fix vs. Brian Eric Kays	August 20, 2020	Stipulation and Consent Order entered August 20, 2020. License was suspended for a period of one (1) year with the entire period stayed and served on probation. Probation begins September 19, 2020 and continues thru September 19, 2021; Kays will need to take an additional three (3) hours of continuing education in the area of Disclosure due February 20, 2021; plus pay a civil fine of \$2,000.00, to be paid in installments of \$500.00 each due on September 19, 2020, October 19, 2020, November 18, 2020 & December 18, 2020.

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
completed to the best of the seller's belief and knowledge as of the date the disclosure statement is completed and signed by the seller, when he made substantial misrepresentations regarding the Sellers Property Condition disclosure Statement; Kays violated Neb. Rev. Stat. §81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section, when he made substantial misrepresentations regarding the Sellers Property Condition Disclosure Statement and failed to provide an agency disclosure form to the seller at the first practicable opportunity.	2018-033 – Michael J. Fix vs. Brian Eric Kays (continued)		
[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. § 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,	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 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

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2022-015 Kathryn Robin Allen vs. Joseph Vladimir Gatchenko (continued)		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;
Licensee acted as a limited buyer's agent in a real estate transaction. Licensee communicated that the property was not in a fifty-five plus (55+) community when in fact the property was located in a fifty-five plus (55+) community causing the younger home buyer to be ineligible under the covenants to reside in the home, violating Neb. Rev. Stat. § 76-2418 (1), a licensee representing a buyer as a buyer'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 and (c) to promote the interest of the client with the utmost good faith, loyalty, and fidelity. Licensee's substantial misrepresentations regarding the covenants violated Neb. Rev. Stat. § 81-885.24 (22), substantial misrepresentation and 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness	2022-032 Elaine Parman-Eagle Hollow Homeowners Association vs. Brandon G. Roseberry & Karalyn Marie Hoefler	January 18, 2024	Stipulation and Consent entered January 18, 2024. License suspended for a period of two (2) years; with the first thirty (30) days to be served on suspension and the remainder served on Probation. Suspension to commence on February 17, 2024, and continue through March 18, 2024. Probation to commence on March 19, 2024, and continue through February 17, 2026; licensee ordered to pay a civil fine of \$1,500.00 due on April 17, 2024; licensee ordered to complete an additional six (6) hours of continuing education, with three (3) in the area of license law and three (3) in the area of disclosures to be completed by July 16,

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>to act as a salesperson</p> <p>Stipulation and Consent Order entered into on October 12,2023. [Licensee's failure to include the contract provision that the offer was subject to the buyer obtaining financing is a violated Neb. Rev. Stat.§ 76-2418 (1)(a), § 76-2418 (1) (b), 762418 (1) (c) (i)) and § 81-885.24 (16), Neb. Rev. Stat.§ 81-885.24 (22) and § 81-885.24 (29).]</p>	<p>2022-024 Josh Heisinger vs. Ryan Patrick Hines</p>	<p>October 12, 2023</p>	<p>2024</p> <p>Licensee was Suspended for a period of (14) months, with the first 60 days served on Suspension, and the remainder stayed and served on Probation. Suspension will commence on November 12, 2023, and continue until January 11, 2024. Probation will commence on January 12, 2024, and continues through January 12, 2025, plus pay a civil fine of \$1,000.00 due by January 11, 2024; plus complete an additional three (3) hours of continuing education classes in the area of contracts which must be completed by April 10, 2024.</p>
<p>Hancock violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, when he accessed the databases of the Nebraska Real Estate Commission and the Nebraska Secretary of State's Office and Made changes to profile contact information and assertions of company officer status that were, in fact, untrue</p>	<p>2022-001 Susan Marie Hancock vs. Shaun Paul Hancock</p>	<p>November 9, 2022</p>	<p>Revocation of Salesperson License and Hearing Fees of \$137.50</p>
<p>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</p>	<p>2023-002 Richard Erickson v. Tanya Ann Porter</p>	<p>August 17, 2023</p>	<p>License was revoked; plus pay a civil fine of \$2,500 due by November 16, 2023.</p>

SECTION 81-885.24(22) - SUBSTANTIAL MISREPRESENTATION (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
of 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)		
Stipulation and Consent Order entered November 19, 2020. Jonsson 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 made substantial misrepresentations when she represented that (1) the seller needed to or was required to pay a commission; (2) Could not do 1% legally, 2.4% is the minimum for a buyers agent (3) could do 2.4% even though doing double the work, legally she could not go under that.	2019-040 State of Nebraska, ex rel., Brandi Hlavac vs. Karie Milford and Jasmin Jonsson (Jensen)	November 19, 2020	License Censured; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Contracts and Ethics by June 19, 2021; plus pay a civil fine of \$1,500.00 by January 10, 2021.