

## SECTION 81-885.24(5) - FAILURE TO MAINTAIN AND DEPOSIT MONEY IN SEPARATE ACCOUNT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.21(1), 81-885.24(5) and Ch. 3-007 by 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 and by demonstrating incompetency and unworthiness to act as a real estate Broker in violation of 81-885.24(29) by failing to disclose to the purchaser that all licensees involved in the transactions are agents of and representing the seller.	92-048 - Commission vs. Patrick George Payne	November 12, 1992	Stipulation and Consent Order. 6 months' probation; plus 9 hours additional continuing education.
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(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	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(5) - FAILURE TO MAINTAIN AND DEPOSIT MONEY IN SEPARATE ACCOUNT

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<p>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 &amp; 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.</p>	<p>97-003 - Commission vs. Cameron Houston Thomas (continued)</p>		
<p>Section 81-885.24(5) by failing to maintain &amp; deposit in a separate account all money received in a real estate transaction; 81-885.24(26) by violating a rule or regulation adopted by the Commission, to wit: Ch. 3-002 by failing to maintain an accurate bookkeeping system; Ch. 3-004 by paying monies out of the trust account prior to the time they are due; Ch. 5-003.07 and 5-003.08 by failing to comply with 76-2401 through 76-2430 in the following: 76-2422(24) by acting as a dual agent without obtaining the written agreement of the seller &amp; the buyer; Ch. 5-003.10 by failing give sellers those categories of cost they will be expected to pay at closing &amp; to prepare an estimate; Ch. 5-003.11 by failing to give prospective purchaser those categories of cost the purchaser will be expected to pay at closing &amp; by failing to prepare an estimate; Ch. 5-003.14 by failing to deposit earnest money in 48 hours; Ch. 5-003.12 by failing to supervise his salesperson; and 81-885.24(29) by demonstrating negligence or unworthiness to act as a Broker.</p>	<p>97-005, 97-006 - Commission vs. Harold S. Kaufman</p>	<p>April 17, 1997</p>	<p>Stipulation and Consent Order. License suspended two years, with entire period served on probation, plus 12 hours additional continuing education, 3 hours in license law, 6 hours in bookkeeping, and 3 hours in disclosures.</p>

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<p>Section 81-885.24(5) when Respondent failed to deposit into 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; 81-885.24(29) for demonstrating negligence to act as a broker.</p>	<p>2003-026 - Russell E. Kirkpatrick vs. Ronald J. Abboud</p>	<p>August 20, 2003</p>	<p>Stipulation &amp; Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of trust accounts and 3 hours in the area of license law, to be completed by November 17, 2003.</p>
<p>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 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</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker</p>	<p>January 12, 2005</p>	<p>Stipulation &amp; 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.</p>

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<p>in sections 76-2417 and 76-2418, to enter into a written agency agreement with a party or parties to the transaction to perform services on their behalf. The agreement shall specify the agent's duties and responsibilities, including any duty of confidentiality, and the terms of compensation.</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker (continued)</p>		
<p>Section 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 downpayments, 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 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</p>	<p>2006-046 - Commission vs. Lucie Jungjohann-Hazel</p>	<p>November 2, 2006</p>	<p>Stipulation and Consent Order. License revoked.</p>

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<p>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>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).</p>	<p>2023-002 Richard Erickson v. Tanya Ann Porter</p>	<p>08/17/2023</p>	<p>Stipulation and Consent Order. License was revoked; plus pay a civil fine of \$2500.</p>