

CHAPTER 2-010 - FAILURE TO ACQUIRE CONSENT FORM THE EMPLOYING BROKER

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Section 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; Neb. Rev. Stat. § 81-885.24 (14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson activity under a designated broker other than his employing broker and Title 299, Chapter 2-010 The consent required from the broker employing, i.e. employing broker, for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in Neb. Rev. Stat. 81-885.24(7) and (8), respectively, shall be given in writing by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. A copy of the consent shall be maintained by the employing broker for five years following the date of such consent.] Nichols conducted a licensed real estate activity for a broker other than his employing broker and conducted the activity without his employing broker's written consent.</p>	<p>2005-061 - Charles W. Concannon vs Mark A. Nichols and 2005-062 - Charles W. Concannon vs Mark A. Nichols and Beverly Alice Nichols</p>	<p>August 24, 2006</p>	<p><u>Beverly Nichols</u> - Dismissed. <u>Mark Nichols</u> - Stipulation and Consent Order. License suspended for a period of ninety (90) days, commencing on August 29, 2006 and continuing through November 27, 2006; plus an additional twelve (12) hours of continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, three (3) hours in the area of disclosures, and three (3) hours in the area of ethics, to be completed by December 22, 2006.</p>
<p><u>Gary Bert Stoneburg</u>: Section 81-885.24 (29) Demonstrating incompetency or unworthiness to act as a broker, by accepting two Uniform Listing Contracts as the Sellers' Limited Agent, at a time when he knew that the two</p>	<p>2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols.</p>	<p>April 17, 2008</p>	<p>Nichols. Hearing held April 3, 2008. <u>Gary Bert Stoneburg</u>: Broker's license suspended for a period of one hundred and twenty (120) days with the entire</p>

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<p>listings had been negotiated on behalf of his brokerage by the Nichols, and when he knew, or through the exercise of reasonable care should have known, that the Nichols were at the time employed by another employing broker, who had not given the Nichols the required prior written consent to represent another employing broker, Gary Bert Stoneburg, in connection with the listing and marketing for sale of the two properties. <u>Mark A. Nichols</u>: Section 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, 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 disclose, in writing, to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person; Title 299 NAC Chapter 2-010 The consent required from the employing broker for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in 81-885.24 (7) and (8), respectively, shall be given, in writing, by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. <u>Mark A. Nichols</u> jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the limited Sellers' Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from his then employing broker to represent another employing broker. <u>Beverly Alice Nichols</u>: Section 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the</p>	<p>2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols</p>		<p>suspension period stayed and served on probation, commencing on May 9, 2008, and continuing through September 6, 2008; plus an additional twelve (12) hours of continuing education with three (3) hours each in the area of agency, contracts, ethics and license law, to be completed by September 6, 2008. <u>Mark A. Nichols</u>: Broker's license suspended for a period of one (1) year, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009. <u>Beverly Alice Nichols</u>: Salesperson's license suspended for a period of twelve (12) months, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009; plus an additional six (6) hours of continuing education with three (3) hours each in the area of license law and agency, to be completed by November 3, 2008.</p>

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<p>employer, without the express knowledge and consent of the employer; 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, 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 disclose, in writing, to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person; Title 299 NAC Chapter 2-010 The consent required from the employing broker for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in 81-885.24 (7) and (8), respectively, shall be given, in writing, by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. Beverly Alice Nichols jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the Sellers' Limited Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from her then employing broker to represent another employing broker.</p>	<p>2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols</p>		
