

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(29) by demonstrating negligence to act as a Salesperson; and Title 299, Ch. 5-003.08 by failing to inform seller in writing at the time the offer was presented and accepted as to who was expected to pay certain closing costs and loan closing and financing costs related to the construction loan financing and contract.	93-022 - Commission vs. John Howard Larson	October 26, 1993	Stipulation and Consent Order. License censured.
Section 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 by failing to obtain the Seller's signature on the estimate of closing costs and failed to maintain a signed copy of said document in his transaction file as set forth in 299 NAC 5-003.10; and the Nebraska Real Estate License Act by failing to prepare, or cause a third party to prepare, a deed or real estate transfer statement for closing as required.	95-025 - Commission vs. Daniel Lee Bergmeyer	December 11, 1995	Stipulation and Consent Order. 30 day suspension.
Ch. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser, or to the agent of the purchaser; Ch. 5-003.11 and 5-003.10 by failing to provide the purchaser a written estimate of the costs the purchaser will be expected to pay at closing when the necessary cost information was reasonably available, by failing to obtain a buyer or seller signature, and further, by failing to maintain evidence of such records in her transaction file in accordance with NAC 3-001; 81-885.24(29) by demonstrating negligence to act as a Broker.	95-048 - Patrick and Rebecca Burns vs. Alvina Becker, 96-005 - Commission vs. Alvina Marie Becker.	April 30, 1996	Stipulation and Consent Order. License suspended for two-years, with said suspension being served on probation from April 30, 1996 through April 29, 1998; plus two additional sets of 12 hours of continuing education to be completed by October 30, 1996 and April 29, 1998.
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	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.

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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.</p>	<p>96-046, 97-010 - Commission vs. Jillian Ann Currie (continued)</p>		
<p>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.</p>	<p>97-003 - Commission vs. Cameron Houston Thomas</p>	<p>April 1, 1997</p>	<p>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.</p>
<p>Section 81-885.24(5) by failing to maintain & 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 & the buyer; Ch. 5-003.10 by failing</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>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>give sellers those categories of cost they will be expected to pay at closing & to prepare an estimate; Ch. 5-003.11 by failing to give prospective purchaser those categories of cost</p> <p>the purchaser will be expected to pay at closing & 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 (continued)</p>		
<p>Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public inconsistent with the Nebraska Real Estate License Act, to wit: Title 299, NAC, Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintenance of trust accounts; Ch. 5-003.10 by failing to identify in writing to the seller, at the time the offer is presented and accepted, those closing costs the seller will be expected to pay at closing, and by failing to obtain seller's signature; Ch. 5-003.11 by failing to identify in writing at the time an offer is written or a counter-offer accepted, those closing costs the buyer will be expected to pay at closing, and by failing to obtain the buyer's signature; Ch. 5-003.24 by failing to obtain the signed receipt of the buyer on the Seller Property Condition Disclosure Statement prior to the buyer entering into a Purchase Agreement; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.</p>	<p>97-002 - Commission vs. Janice Eve Sauer</p>	<p>June 18, 1997</p>	<p>Stipulation and Consent Order. License suspended 18 month, to be served on probation. As a condition of probation, Respondent must not violate the License Act or laws governing agency, and the Respondent must, complete 6 hours of continuing education within 6 months, 3 hours in disclosures and 3 hours in trust accounts.</p>
<p>Section 81-885.24(19) by violating a rule or regulation adopted by the Commission; Ch. 3-002 by failing to maintain an accurate bookkeeping system, Ch. 5-003.07 by failure to comply with 76-2410 through 76-2430, to wit: 76-2421 by failing to properly complete and retain an agency pamphlet, 76-2420 by failing to adopt a written agency policy, Ch. 5-003.08 by failing to write a disclosure on dual agency in accordance with 76-2422(4) by not having a written agreement of the seller & buyer or landlord & tenant</p>	<p>97-036 - Commission vs. Glenda Harders</p>	<p>August 19, 1997</p>	<p>Stipulation and Consent Order. License suspended two years, plus 6 hours continuing education, 3 hours in agency law and 3 hours in trust accounts.</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>permitting the designated broker to serve as a dual agent, Ch. 5-003.10 by failing to give seller closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.11 by failing to give purchaser closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 5-003.22 by failing to supervise, Ch. 5-003.23 by failing to give a copy of the disclosure statement to the purchaser or their agent, Ch. 5-003.24 by failing to give a copy of the disclosure statement to the purchaser or get signed receipt, 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.</p>	<p>97-036 - Commission vs. Glenda Harders (continued)</p>		
<p>Section 81-855.24(19) by failing to include a fixed date of expiration in any written listing agreement; 81-855.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically Title 299, N.A.C., Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, failing to prepare a written estimate of the costs the seller will be expected to pay at closing, and failing to obtain the signature of the seller on said written document; Ch. 5-003.11 by failing to identify to the prospective purchaser, in writing, at the time the offer is written by the purchaser or a counteroffer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing, and by failing to obtain the signature of the purchaser on said document; Ch. 5-003.14 by failing to deposit any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer was accepted; Ch. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the purchaser or to the agent of the purchaser, on or before the effective date of any contract entered into which binds the purchaser to</p>	<p>98-012 - Commission vs. Mark F. Abboud</p>	<p>May 29, 1998</p>	<p>Stipulation and Consent Order. License suspended for 2 years, with said suspension stayed and served on probation from May 29, 1998 through May 29, 2000, with an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours on agency, 3 hours in license law, and 3 hours in disclosures to be completed by March 1, 1999.</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>purchase the residential real property; Ch. 5-003.24 by failing, as the agent of the purchaser, to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property and to obtain the signed receipt of the purchaser; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430, particularly 76-2417 by acting as an agent for the seller without benefit of a written contract, 76-2420 by failing to adopt a written policy which identifies and describes the relationships in which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities, 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity during or following the first substantial contact, and 76-2422(04) by acting as a dual agent without obtaining the written agreement of the seller and the buyer; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to deposit earnest money payment in the Respondent's real estate trust account within 48 hours or before the end of the next banking day after an offer is accepted, in writing, and then forthwith transferring such earnest money deposit to the listing broker; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as the broker.</p>	<p>98-012 - Commission vs. Mark F. Abboud (continued)</p>		
<p>Section 81-885.24(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 Law, specifically, Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintenance of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer is presented and accepted, those categories of costs the seller</p>	<p>98-026 - Commission vs. Buree Stovall</p>	<p>February 24, 1999</p>	<p>Stipulation and Consent Order. License suspended for two years, with first 90 days of said suspension served and the remaining suspension time stayed and served on probation; plus an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours in agency and six hours as determined and approved by the Director.</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>will be expected to pay at closing, failing to prepare a written estimate of the cost the seller will be expected to pay at closing, and failing to obtain the signature of the seller on said written document; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to deposit an earnest money payment in her real estate trust account within forty-eight hours or before the end of the next business day after an offer is accepted, in writing, and then forthwith transferring such earnest money deposit to the listing broker; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430 in the following particulars: 76-2420 by failing to adopt a written policy which identifies and which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities; and 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity during or following the first substantial contact; 81-885.02 by conducting the business of a broker without an active real estate license; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as the broker.</p>	<p>98-026 - Commission vs. Buree Stovall (continued)</p>		<p>*Per Show Cause Hearing on June 26, 2001, license censured.</p>
<p>Section 81-885.24(19) by failing to include a date of expiration on the listing contract; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and failing to obtain the signature of the seller on said document; Ch. 5-003.11 failing to identify to the purchaser, in writing, at the</p>	<p>1999-035 - Commission vs. Charles E. Degaillez</p>	<p>December 14, 1999</p>	<p>Stipulation and Consent Order. License suspended for two years, with said suspension stayed and served on probation, from December 14, 1999 through December 13, 2001; plus twelve (12) hours of additional continuing education to include three (3) hours in trust accounts, three (3) hours agency, three (3) hours in license law, and three (3) hours in disclosures.</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>time an offer was written by the purchaser or a counter-offer was accepted by the purchaser, those categories of costs the purchaser would be expected to pay at closing, failing to prepare a written estimate of the costs the purchaser would be expected to pay at closing and failing to obtain a signature of the purchaser on said written document; Ch. 5-003.14 by failing earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.24 and 71-2120 by, when acting as an agent of the purchaser, the Respondent failed to obtain the signed receipt of the purchaser on the Seller Property Condition Disclosure Statement; Ch. 5-003.07 and Ch. 5-003308 by failing to comply with 76-2401 through 76-2430 in the following particulars: 76-2421 by failing to provide a written copy of , or properly complete, the current brokerage disclosure pamphlet to a seller or buyer who is not entered into a written agreement for brokerage services wit a designated broker at the earliest practicable opportunity during or following the first substantial contact, 76-2419 by failing to obtain the written consent of the buyer and seller to act as a dual agent, 76-2422 and 76-2417 by acting as a limited agent for the seller without entering into a written agency agreement; 81-8853.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>1999-035 - Commission vs. Charles E. Degaillez (continued)</p>		
<p>Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and by failing to obtain the signature of the seller on said document; Ch. 5-003.14 by failing to deposit</p>	<p>1999-036 - Commission vs. Michele Williams</p>	<p>December 14, 1999</p>	<p>Stipulation and Consent Order. License suspended for two years, with said suspension stayed and served on probation, from December 14, 1999 through December 13, 2001; plus twelve (12) hours of additional continuing education to include three (3) hours in trust accounts, three (3) hours in agency, three (3) hours in license law, and three (3) hours in disclosures.</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Title 299, N.A.C. Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller or buyer who is not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity substantial contact; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>1999-036 - Commission vs. Michele Williams (continued)</p>		
<p>Section 81-885.24(14) by negotiating a sales directly with an owner after knowing such owner has a written outstanding listing contract in connection with the property granting an exclusive agency or exclusive right to sell to another broker; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically, the Respondent violated Title 299, N.A.C., Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, by failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and by failing to obtain the written signature of the seller and maintain a copy of the document in the transaction file; 81-885.24(29) by demonstrating negligence or incompetency to act as broker for actions including incorrectly completing the Acknowledgment of Disclosure forms, not knowing when the listing expired, contacting the sellers when they had an exclusive listing with another agency rather than contacting the agency, and proceeding with closing without notifying the listing agent.</p>	<p>2000-014 - Harold E. Nott & Adrian C. Lofgren vs. Kaylene B. Swanson</p>	<p>October 2, 2000</p>	<p>Stipulation and Consent Order. License suspended for 30 days from October 9, 2000 through November 7, 2000; plus an additional 6 hours of continuing education including 3 hours in the area of license laws and 3 hours in the area of agency to be completed by April 1, 2001.</p>
<p>Section 81-885.21(2) by failing to notify the Commission of the name of the bank in which a trust account is maintained and provide the name of the account on forms provided by the Commission; 81-885.24(26) by violating any rule or regulation adopted and promulgated by the Commission in</p>	<p>2001-015 - Commission vs. Elaine R. Richman</p>	<p>May 22, 2001</p>	<p>Stipulation and Consent Order. Broker's license surrendered on May 29, 2001, and Salesperson's license issued on suspension from May 29, 2001, through June 11, 2001; salesperson license can</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>the interest of the public and consistent with Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which clearly and accurately discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to forthwith transfer earnest money to the listing broker; Ch. 5-003.10 by failing to identify in writing to the seller at the time an offer is presented and accepted, those categories of cost the seller will be expected to pay at closing, as well as preparing a written estimate of the costs the seller will be expected to pay at closing; Ch. 5-003.11 by failing to identify in writing to a purchaser, at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing as well as preparing a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.14 by failing to deposit any funds received as earnest money within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; 76-2421(1) by 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 the designated broker, 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; 76-2422(4) by acting as a dual agent without first obtaining a written agreement of the seller and buyer or landlord or tenant permitting the designated broker to serve as a dual agent in the proposed transaction; 76-2422(2) by acting as a selling agent without entering into a written agency agreement with a seller in a transaction; 81-885.24(29) by demonstrating negligence.</p>	<p>2001-015 - Commission vs. Elaine R. Richman (continued)</p>		<p>only be active under supervision of Bruce R. Richman; plus an additional six (6) hours of continuing education to include three (3) hours in the area of agency and three (3) hours in the area of disclosures to be completed by November 21, 2001.</p>
<p>Section 81-885.21(2) by failing to notify the Commission of a trust account and provide the name of the account on forms provided by the Commission; 81-885.24(26) by</p>	<p>2004-005 - Commission vs. Buree Stovall, Broker</p>	<p>December 7, 2004</p>	<p>Hearing held November 18, 2004. License revoked.</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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, Ch. 3-001 by failing to preserve for five years, following its consummation, records relating to any real estate transaction; Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts, this includes failing to maintain sufficient broker equity to write checks unrelated to a real estate transaction; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to forthwith transfer earnest money to the listing broker; Ch. 5-003-10 by failing to identify in writing to the seller at the time an offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, as well as preparing a written estimate of the costs the seller will be expected to pay; Ch. 5-003.11 by failing to identify in writing to a purchaser, at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing and prepare a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.14 which regulation became effective 9/3/2002 and was in effect through the remainder of the examination period, by failing to deposit any funds received as earnest money 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; Ch. 5-003.14, which regulation was in effect at all time relevant to this claim through 9/2/2002, by failing to deposit any funds received as earnest money with 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.24 by failing to assure a copy of the Seller Property Condition Disclosure Statement was delivered to the purchaser on or before the effective date of any contract which binds the purchaser to purchase the residential real estate, and to obtain the signed receipt of the purchaser; 76-2421(1) by failing, at the earliest practicable opportunity during or following the first</p>	<p>2004-005 - Commission vs. Buree Stovall, Broker (continued)</p>		

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with the designated broker, to provide that person with a written copy of the current brokerage disclosure pamphlet prepared and approved by the Commission, and to disclose in writing to that person the types of brokerage relationships the designated broker is offering to the person or disclosing in writing to that person which party the licensee is representing; 76-2422(4) by acting as a dual agent without first obtaining the written agreement of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent in the proposed transaction; 76-2422(2) by acting as a selling agent without entering into a written agency agreement with a seller in a transaction and by failing to have a fixed date of expiration in a brokerage agreement; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>2004-005 - Commission vs. Buree Stovall, Broker (continued)</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</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</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. <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>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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. <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>Violated Neb. Rev. Stat. § 76-2417(1) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (a) To perform the terms of the written agreement made with the client; (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity by providing the sellers with two false closing dates, and failing to advise the sellers that by signing the Addendum to the Purchase Agreement, it would reduce their net proceeds by \$500.00; Redwine violated Neb. Rev. Stat. § 81-885.24(16) by failing to obtain the informed written consent of both the Sellers and the Buyer permitting her to act as a dual agent for the proposed sale/purchase of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(19) in that she failed to include a fixed date of expiration in her Listing Agreement with the Sellers of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(22) in that she misrepresented in the Purchase Agreement that she was acting as a dual agent, at a time when she had never met the Buyer; Redwine violated Neb. Rev. Stat. §</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>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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>Reinders violated Neb. Rev. Stat. § 81-885.24(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent; by failing to verify the sellers' signatures on the February 28, 2018 Listing Agreement.; Reinders violated Neb. Rev. Stat. § 81-885.24(19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal; by failing to leave a copy of the February 28, 2018 Listing Agreement with the sellers.; Reinders 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 a. Failing to verify the authenticity of the sellers' initials near paragraph 5 of the Purchase Agreement for Subject Property #1; b. Failing to verify the authenticity of the sellers' signatures on the February 28, 2018, Listing Agreement for Subject Property #1; c. Failing to verify the authenticity of the sellers' signatures on the March 1, 2018, Estimated Real Estate Closing Costs form for Subject Property #1; d. Failing to verify the authenticity of the sellers' signatures on the February 28, 2018, Agency Disclosure Information for Buyers and Sellers form for</p>	<p>2018-021 – Mary Katherine Harder vs. Tiffany Ann Reinders</p>	<p>October 25, 2019</p>	<p>Stipulation and Consent Order entered October 25, 2019. License was revoked.</p>

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Subject Property #1; e. Failing to verify the authenticity of the sellers' signatures on the March 6, 2018, Agency Disclosure Information for Buyers and Sellers form for Subject Property #1; f. Failing to verify the authenticity of the sellers' signatures on the April 2, 2018, Addendum to Purchase Agreement for Subject Property #2; g. Failing to verify the authenticity of the sellers' signatures on the April 3, 2018, Estimated Real Estate Closing Statement for Subject Property #2; h. Failing to verify the authenticity of the buyers' signatures on the April 2, 2018, Addendum to Purchase Agreement for Subject Property #2; and i. Failing to verify and failing to investigate further the claim for payment made by ACLS, which turned out to be fraudulent.; Reinders violated Neb. Rev. Stat. 299 NAC 5-003.10 Failure of the licensee to identify in writing to the seller-client, or to a seller-customer if offered pursuant to Neb. Rev. Stat. 76-2421 (4) (b), at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing. At the same time, the licensee shall prepare a written estimate of the costs the seller will be expected to pay at closing, to the extent the necessary cost information is reasonably available. Said written information shall be signed and dated by the seller, and a copy of the signed and dated document(s) shall be maintained in the transaction file in accordance with 299 NAC 3-001. This subsection shall not apply to the sale of new construction; lots; agricultural property; commercial property, including residential property with five or more dwelling units; or to third-party relocation companies acting as sellers. For the purposes of this subsection, the term "agricultural property" shall mean property zoned agricultural by a county in which any part of the property is located, or, if a county does not zone land agricultural, then property any part of which is assessed as agricultural property by a county assessor; by failing to provide the sellers and the buyers with an Estimated Real Estate Closing Statement.</p>	<p>2018-021 – Mary Katherine Harder vs. Tiffany Ann Reinders (continued)</p>		

CHAPTER 5-003.10 - FAILURE TO DISCLOSE ESTIMATED CLOSING COSTS TO SELLER (CONTINUED)

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Licensee violated 81-885.24(26) and Title 299 NAC 5-003.10 Ms. Hoefer's failure to supervise her associate brokers and salespersons, and perform her duties as a broker, resulted in several actions in violation of the Nebraska Real Estate Licensing Act and Regulations. Ms. Hoefer violated NEB. REV. STAT 76-2422 (1) and NEB. REV. STAT 81-885.24 (29)</p>	<p>2022-017 Nebraska Real Estate Commission v. Karalyn Marie Hoefer (continued)</p>	<p>February 28, 2023</p>	<p>Licensee will be placed on Probation for two (2) years, Probation begins on February 28, 2023, and continues until February 28 2025; and Ms. Hoefer's brokerage shall be subject to a compliance audit every four (4) months for two (2) years or until the end of her probation or for as long as she remains a designated broker whichever comes first; plus pay a civil fine of \$2,500.00 due May 25, 2023</p>