



COMMISSION COMMENT

New Licensing Database/New Licensee Portal

By the time you read this newsletter, the Nebraska Real Estate Commission’s new licensing software will be live and in use by the Commission. The new licensing software is a comprehensive system that includes new interactive portals allowing licensees, education providers, errors and omissions insurance providers, and other Commission partners to do business with the Commission.

The new portal will allow you to renew your license, check your continuing education, complete a license transfer or print a receipt card and wall license online.

As we begin the renewal cycle (for those of you who need to renew your license for 2021-

22), it is very important that you can access the portal for these important services. **Your old userid and password will not work with**

the new system, you will need to re-register and

1 DON'T HAVE YOUR NEW NREC LICENSE ACCOUNT YET? CREATE ONE HERE:

<https://nrec.igovsolution.net/online/Users/Register>

2 LOGIN TO YOUR NEW NREC ACCOUNT AND CHECK YOUR EMAIL ADDRESS NOW!

The Commission will rely on email more than ever to send out important notifications and reminders. Our email list is only as good as the information you provide, so make sure you update your preferred method of contact and your email is current and correct.

create a new account to renew and have access to Real Estate Commission services.

One thing that hasn't changed is the address for our homepage—please go to <https://nrec.nebraska.gov/> and click on “Sign Up” to create your new NREC account. 

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Commission Meeting Schedule

October 14-15	Lincoln
November 19-20	Lincoln
January 21-22	Lincoln
February 18-19	Lincoln
March 18-19	Lincoln
April 22-23	Lincoln
May 20-21	Lincoln
June 17-18	Lincoln

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The Nebraska Real Estate Commission grants permission to reprint articles which appear in this newsletter on condition that recognition of their original publication in the **Nebraska Commission Comment** also appears with the article.

The Nebraska Real Estate Commission often solicits articles from outside experts or reprints articles with permission. While we feel that these articles may offer a broader perspective and will be of interest to the reader, it should be remembered that the views expressed are those of the author and not necessarily those of the Commission.

DIRECTOR'S DESK

New Database

The Commission and I are very pleased to announce that we have migrated to a new database after using our current orphan system, born in 1998, and well past its use by date. The system will have many new features and more online services for licensees, which we go into more detail about elsewhere in this issue. I would like to publically thank the Nebraska Real Estate Commission, and Monica Rut, our Deputy for Licensing and IT person, for all their support and hard work through this project.



Director Greg Lemon

No Extension or Waiver of CE

We have had a lot of questions about whether there will be any CE waiver or extension offered with renewal this year. **The Commission has no plans to extend or waive CE requirements required to be completed and submitted with renewal this year.** The Continuing education period is a two year cycle in which licensees must take 18 hours of classes. Continuing Education and Commission Approved Training has been and will continue to be offered online, and we have allowed relaxed rules for classroom education so that it can be offered via online video meeting services such as Zoom through the end of the year. More information about continuing education and course offerings can be found on the Commission website at: <https://nrec.nebraska.gov/licensing-forms/ceinfo.html>

New Deputy for Enforcement

The Nebraska Real Estate Commission has hired Antwan Montague to fill the Deputy Director for Enforcement Position. Mr. Montague has over 6 years police and 3 years of insurance investigative experience, including investigating homeowner claims. Mr. Montague started on Monday, July 20, and we are very pleased to have him on board.

Advertising Warnings

In the Summer 2018 issue of the Commission Comment I wrote in this column that the Commission had a "two strikes and you are out" policy on advertising violations. Issuing a warning, and giving a chance to correct before taking any official action. That statement needs additional clarification. It was directed at advertising violations where the broker name is not included prominently in the advertising, and was related to a change in the law that had recently gone into effect. The Commission may bring an action where advertising misrepresents services or properties offered without offering a chance to correct, but will generally issue a warning first if the advertising violation is more technical than substantive in nature.



Greg Lemon, Director
Nebraska Real Estate Commission

Disciplinary Actions Taken by the Real Estate Commission

(Does Not Include Cases on Appeal)

SC2019-003 – Commission vs. Bill Bellomy Stipulation and Consent Order entered April 21, 2020. Must pay civil fine of \$20,000.00 due May 21, 2020; plus within forty-eight (48) hours of receiving order shall modify all of his website advertising to remove records of all unlicensed transactions made in the State of Nebraska; plus Bellomy should be subject to sanctions for failing to abide by the provisions of the Commission's Cease and Desist Order, CD2016-003, dated December 1, 2016. [Bellomy violated Neb. Rev. Stat. § 81-885.03 (Cum. Supp. 2010) 1) Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or performs any single act described in subdivision (2) of section 81-885.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act, and such action shall constitute sufficient contact with the state for the exercise of personal jurisdiction over such person in any action arising out of such action. Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare. (2) Notwithstanding any other provision of the law to the contrary, the director may issue a cease and desist order against any person who violates this section by performing any action described in subsection (1) of this section without the appropriate license. Such order shall be final ten days after issuance unless the violator requests a hearing pursuant to section 81-885.25. (3) If such person violates a cease and desist order issued pursuant to this section, he or she shall be subject to further proceedings before the commission. If, during such proceedings, the commission makes a finding of guilt, the commission may impose a fine not to exceed (a) one thousand dollars for each day that any action is performed without the appropriate license following the issuance of the order or (b) the amount of all money earned as commission by the violator, whichever is

greater. Judgments for the collection of any fine imposed under this section may be filed in the district court of any county in this state. (4) Notice and hearing requirements under this section shall be in accordance with the Administrative Procedure Act, when he failed to abide by provisions of the Commission's Cease and Desist Order CD2016-003

by listing Nebraska real estate for sale or lease and completing three (3) transactions on Nebraska properties without having obtained a Nebraska real estate license.] *(Continued on page 4)*



MEET THE REAL ESTATE COMMISSION STAFF

The Real Estate Commission Staff is here to serve the public and the licensee population. It is our goal to be helpful and forthright in a courteous and professional manner. We hope that when you contact our office, you always receive useful, accurate information and/or are referred to the proper authority.

Following is a communication resource to assist you when contacting our office. If the indicated person is unavailable to take your call, please share the purpose for the call and your call will be routed to someone else who can help you.

We take pride in having a skilled staff, if you have comments or suggestions as to how we may better serve you, please contact our office.

COMMUNICATIONS GUIDE

Ask for person indicated if you have questions in the following areas.

Commission Meeting Information . . . *Alane Roubal*
 alane.roubal@nebraska.gov

Complaint Procedures. *Antwan Montague*
 antwan.montague@nebraska.gov

Continuing Education History or
 Inquiries *Tawny Snider*
 tawny.snider@nebraska.gov

Curriculum Design (Education &
 Instructor Approval) *Alane Roubal*
 alane.roubal@nebraska.gov

Errors and Omissions Insurance
 Inquiries *Monica Rut*
 monica.rut@nebraska.gov

Financial Officer *vacant*

License Applications Packet
 Requests *General Staff*
 realestate.commission@nebraska.gov

License Applications Process *Marilyn Masters*
 marilyn.masters@nebraska.gov

Licensing Requirements *Monica Rut*
 monica.rut@nebraska.gov

New Licenses in Process *Patricia Menousek*
 patricia.menousek@nebraska.gov

Specialized Registrations *Monica Rut*
 monica.rut@nebraska.gov

Transfer of License *Patricia Menousek*
 patricia.menousek@nebraska.gov

Trust Account Matters *John Clark*
 john.clark@nebraska.gov

Webmaster *Monica Rut*
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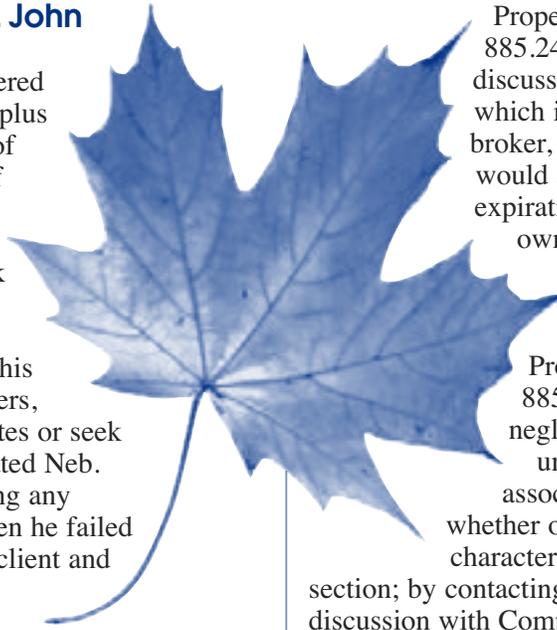
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2020-009 - Commission vs. John Eric Bock; Broker; Omaha, NE.

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. [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, 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.]

2018-026 - Lanny Billings vs. Bruce Delmar Connell; Inactive Salesperson; Long Pine, NE.

Stipulation & Consent Order entered April 21, 2020. License is placed on Probation for two (2) years with the first thirty (30) days served on Suspension. Suspension begins on May 21, 2020, and continues thru June 19, 2020, Probation begins June 20, 2020, and continues thru May 21, 2022; plus take an additional six (6) hours of continuing education with three (3) hours each in the areas of Disclosure & Ethics due July 20, 2020.[Connell violated Neb. Rev. Stat. § 81-885.24(14) - Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; by contacting, communicating, and/or negotiating with Respondent for the sale of the



Property; Neb. Rev. Stat. § 81-885.24(15) - Discussing or soliciting a discussion of, with an owner of a property which is exclusively listed with another broker, the terms upon which the broker would accept a future listing upon the expiration of the present listing unless the owner initiates the discussion; by contacting, discussing, and soliciting a discussion with the Complainant for the sale of the Property; Neb. Rev. Stat. § 81-885.24(29) - Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section; by contacting, discussing, and soliciting a discussion with Complainant for the sale of the Property.]

2019-025 Commission vs. Cory C. Cutchall;

Salesperson; Omaha, NE. Stipulation and Consent Order entered April 21, 2020. License suspended for a period of one (1) year, with the entire period stayed and served on probation. Probation begins May 21, 2020 and continues thru May 21, 2021; plus take an additional six (6) hours of continuing education in the area of License Law due July 20, 2020; plus pay a civil fine of \$1,500.00 by July 20, 2020. [Cutchall violated Neb. Rev. Stat. § 299-2-003.07c - Real estate affiliate and team advertising, when Cutchall's advertising failed to have the brokerage name more prominent than the affiliated licensee's name.; Cutchall 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, when Cutchall's advertising failed to have the brokerage name more prominent than the affiliated licensee's name.; Cutchall 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 Cutchall's use of advertising with the licensee's name more prominent than the brokerage name which constitutes negligence, incompetency, or unworthiness to act as a salesperson.]

2017-022 – Robert & Julia Diaco vs. Robert Hoback

Salesperson; Lincoln, NE. Stipulation and Consent Order entered April 23, 2020. License was placed on Probation for a period of one (1) year. Probation begins May 23, 2020 and continues thru May 23, 2021; plus take an additional six (6) hours of continuing education in the area of Disclosure due July 22, 2020; plus pay a civil fine of \$1,500.00 by May 23,

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2020. [Hoback violated Title 299 NAC 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 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, when Hoback failed to disclose, in writing to a buyer, at or prior to the time the buyer signed an Offer to Purchase, an adverse material fact regarding the condition of a parcel of real estate; Hoback violated Title 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 and the seller. Such disclosure shall be attached to the Seller Property Condition Disclosure Statement when he failed, as a licensee who knows of an error, in accuracy, or omission in the Seller Property Condition Disclosure Statement, to disclose the error, in accuracy, or omission on the Seller Property Condition Disclosure Statement in writing, when Hoback failed to disclose the error, in accuracy, or omission in writing.]

2018-022 – Commission vs. Brian Tyler Littler

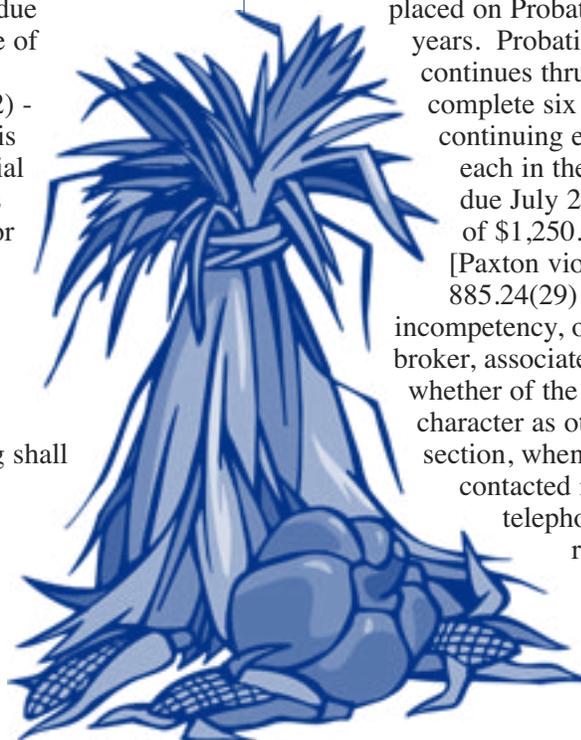
Salesperson; Omaha, NE. Stipulation and Consent Order entered April 21, 2020. License censured; plus take an additional three (3) hours of continuing education in the area of License Law due October 21, 2020; plus pay a civil fine of \$2,000.00 by May 21, 2020. [Littler violated Neb. Rev. Stat. § 81-885.24(2) - 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, when Littler used, or allowed to be used the Name Focal Realty when no such entity or trade name existed, and was not registered with the Nebraska Real Estate Commission.; Littler violated 299 NAC 2-003 - Advertising shall include all forms of identification, representation, promotion, and solicitation disseminated in any manner and by any means of communication to the public for any purpose related to licensed real estate activity. All advertising shall be under the direct supervision

of the broker, and prominently display the name the broker is conducting business as recorded with the Commission in a way that is conspicuous, discernible, and easily identifiable by the public. Advertising which is contrary to Sections 003 to 006 of these regulations shall constitute misleading or inaccurate advertising under Section 81-885.24(2) of the Nebraska Real Estate License Act, when Littler engaged in advertising that was not under his direct supervision of his broker, when Littler did not prominently display the name of the broker as recorded with the Commission in a way that was conspicuous, discernible, and easily identifiable by the public, when Littler engaged in advertising that was not in his name as recorded with the Commission and included the word(s) "Broker" or "Real Estate Broker," and when Littler engaged in advertising in the name of a trade name that was not registered with the Nebraska Secretary of State and/or recorded with the Commission; Littler violated Neb. Rev. Stat. § 1-885.24(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 Littler's advertising failed to prominently display the brokerage name violated 299 NAC 2-003; Littler 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 Littler engaged in the actions and omissions described in this Stipulation and Consent.]

2018-026 - Lanny Billings vs. Sonya Kaye Lockmon;

Broker; O'Neill, NE. Stipulation & Consent Order entered April 21, 2020. License placed on Probation for a period of two (2) years. Probation begins May 21, 2020, and continues thru May 21, 2022; plus complete six (6) hours of additional continuing education with three (3) hours each in the areas of Disclosure & Ethics due July 20, 2020; plus pay a civil fine of \$1,250.00 due May 21, 2020. [Paxton 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 Lockmon, as a broker, was contacted multiple times by mail and telephone by an attorney representing another broker on a sale in question and never responded to him as was requested, and necessary for the transaction.]

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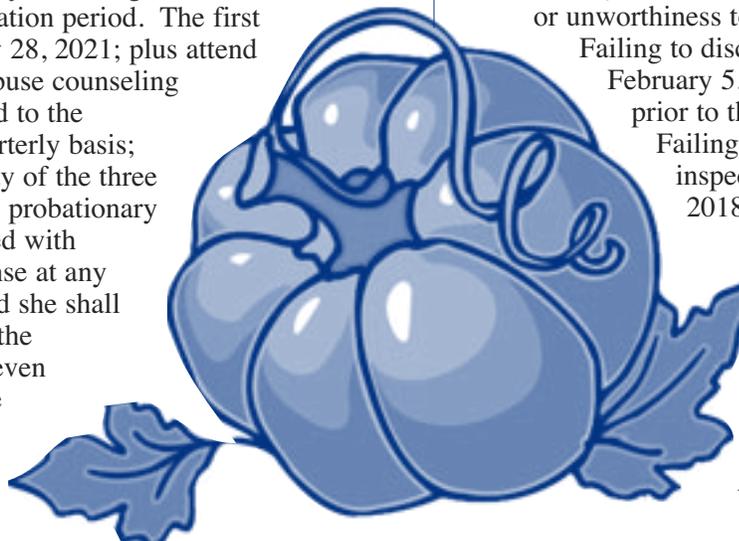
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2020-012 – Commission vs. Farrell F. Ross

Active Broker; Scottsbluff, NE. Stipulation and Consent Order entered April 21, 2020. License was placed on probation for a period of two (2) years. Probation begins May 21, 2020 and continues thru May 21, 2022; plus complete an additional nine (9) hours of continuing education with three (3) hours each in the areas of Agency, Contracts & Ethics by July 20, 2020; plus pay a civil fine of \$2,500.00 due May 21, 2020. [Ross violated Neb. Rev. Stat. § 81-885.24(25) - Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under the listing contract exists, when Ross filed a lien against a property in an effort to assure he would secure a commission payment for the sale of the same property; Ross 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 Ross filed a lien against a property in an effort to assure he would secure a commission payment for the sale of the same property.]

2018-039 – Commission vs. Jodie LaNae Weaver;

Salesperson; Omaha, NE. Stipulation & Consent Order entered April 21, 2020. License was suspended for three (3) years, with the first forty-five (45) days served on Suspension and the remainder of the period to be stayed and served on Probation. Suspension begins May 21, 2020, and continues thru July 4, 2020. Probation begins July 5, 2020, and continues thru May 21, 2023; plus pay a civil fine of \$1,500.00 due June 20, 2020; plus submit to a yearly criminal background check, by having her fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28th of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2021; plus attend biweekly substance abuse counseling sessions to be reported to the Commission on a quarterly basis; plus during the entirety of the three (3) year suspension & probationary period if she is charged with another criminal offense at any time during this period she shall report such charge to the Commission within seven (7) days following the date of the incident giving rise to the charge; [Weaver



violated Neb. Rev. Stat. § 81-885.12(2) - When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license, when Weaver was convicted of driving under the influence and failing to notify the Commission of Said offenses; Weaver 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 Weaver was convicted of driving under the influence and failing to notify the Commission of Said offenses. section when he failed to disclose adverse material facts to the complainants.]

2019-039 – Commission vs. Michael Joseph Conley

Broker; Omaha, NE. Stipulation and Consent Order entered July 2, 2020. License was placed on Probation for a period of twelve (12) months with the first thirty (30) days served on suspension. The suspension period begins July 11, 2020, and continues thru August 9, 2020. Probation begins August 10, 2020 and continues thru July 11, 2021; plus take an additional nine (9) hours of continuing education with three (3) hours each in the areas of Agency, Contracts and Disclosure due August 10, 2020; plus pay a civil fine of \$750.00 by July 25, 2020. [Conley violated Title 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 and the seller. Such disclosure shall be attached to the Seller Property Condition Disclosure Statement, by demonstrating negligence, incompetency, or unworthiness to act as a real estate broker (A) Failing to disclose the contents of the February 5, 2018 inspection report to buyer prior to the purchase of the Property; (B) Failing to attach the February 5, 2018 inspection report to the January 2, 2018 SPCDS provided to the buyer; (C) Failing to disclose the existence and status of the January 22, 2018 Purchase Agreement prior to purchase of the Property and (D) Failing to attach the January 22, 2018 Purchase Agreement or facts sufficient to disclose the status of the January 22,

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2018 Purchase agreement to the January 2, 2018 SPCDS provided to the buyer; Conley 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 demonstrating negligence, incompetency, or unworthiness to act as a real estate broker (A) Failing to disclose the contents of the February 5, 2018 inspection report to buyer prior to the purchase of the Property; (B) Failing to attach the February 5, 2018 inspection report to the January 2, 2018 SPCDS provided to the buyer; (C) Failing to disclose the existence and status of the January 22, 2018 Purchase Agreement prior to purchase of the Property and (D) Failing to attach the January 22, 2018 Purchase Agreement or facts sufficient to disclose the status of the January 22, 2018 Purchase agreement to the January 2, 2018 SPCDS provided to the buyer.]

2020-021 – Commission vs. Theodore Sean Bernard Broker; Nebraska City, NE. Stipulation and Consent Order entered August 20, 2020. Bernard will need to take an additional three (3) hours of continuing education in the area of Ethics due February 20, 2021; plus pay a civil fine of \$1,000.00 by September 19, 2020. [Bernard 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 used a disparaging name for another licensee in an email.]

2018-033 – Michael J. Fix vs. Brian Eric Kays Salesperson; Elkhorn, NE. 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. [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 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.]

2020-001 – Commission vs. Cassandra Lynn-Frances Kellar Salesperson; Waterloo, NE. Stipulation and Consent Order entered August 20, 2020. License was Censured; plus take an additional three (3) hours of continuing education in the area of License Law due November 18, 2020; plus pay a civil fine of \$1,500.00 by September 19, 2020. [Kellar violated Title 299 NAC 2-003.07c - 003.07c Advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name which the broker supervising the affiliated salesperson or associate broker conducts business under as recorded with the Commission adjacent to affiliated licensee's name and similar or greater in size and visibility than the affiliated licensee's name, when an advertisement identifying Kellar was posted within a group on Facebook that was not compliant with the NREC advertising rules, in that it omitted the brokerage information; 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 an advertisement identifying Kellar was posted within a group on Facebook that was not compliant with the NREC advertising rules, in that it omitted the brokerage information; 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 an

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advertisement identifying Kellar was posted within a group on Facebook that was not compliant with the NREC advertising rules, in that it omitted the brokerage information.]

2020-011 – Commission vs. Jason Thomas Slama

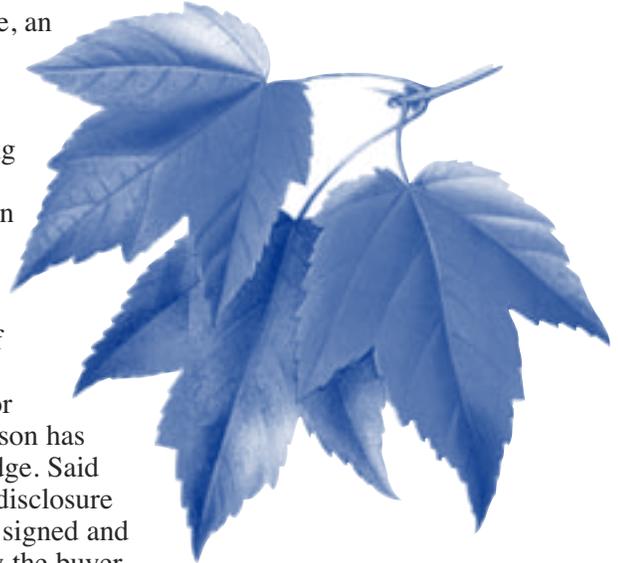
Salesperson; Firth, NE. Stipulation and Consent Order entered August 20, 2020. License was placed on probation for a period of six (6) months. Probation begins September 19, 2020 and continues thru March 19, 2021; plus take an additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law due February 20, 2021; plus pay a civil fine of \$1,000.00 by September 19, 2020. [Slama violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430, when he failed to provide the current brokerage disclosure pamphlet to his client at the earliest practicable opportunity; Neb. Rev. Stat. § 76-2421 Licensee offering brokerage services; duties. (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. § 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 failed to provide the current brokerage disclosure pamphlet to his client at the earliest practicable opportunity.]

2019-038 – Commission vs. Rachel Helen Tiller

Salesperson; Omaha, NE. Stipulation and Consent Order entered August 20, 2020. License is suspended for a period of thirty (30) days which begins September 19, 2020, and continues thru October 19, 2020. Probation period of twenty-three (23) months begins October 20, 2020 and continues thru September 20, 2022; Tiller will need to take an additional six (6) hours of continuing education with three (3) hours each in the areas of Disclosure and License Law due February 20, 2021; plus pay a civil fine of \$1,000.00 due on September 19, 2020, [Tiller violated Title 299 NAC 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 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, when she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof; Title 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 and the seller. Such disclosure shall be attached to the Seller Property Condition Disclosure Statement, when she knew of errors, inaccuracies, or omissions and did not disclose them in writing to the client; Neb. Rev. Stat. Section 76-2417(1)(b) 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, when she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof; Neb. Rev. Stat. §81-885.24(16) - Violating any provision of sections 76-2401 to 76-2430, when she failed to disclose to the buyer certain adverse material facts; 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 she failed to disclose to the buyer certain adverse material facts; 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 failed to disclose to the buyer certain adverse material facts regarding the condition of the roof.] 





LB808 Expands License Exemption for Marketing Calls

LB808, containing provisions originally introduced in LB 929, expands activities unlicensed persons may participate in on behalf of a licensee. Under current law, still in effect until bill becomes operative on November 14, 2020, unlicensed persons cannot solicit clients on behalf of a licensee. LB808 amends the exemptions to licensing requirements relating to marketing. The law describes who is exempt from licensing, and the conditions they must comply with to be eligible for the exemption (we have added the numbering to clarify and separate the conditions):

“(1) Any person not required to be licensed under the act who provides a list or lists of potential purchasers to a broker or salesperson or who makes calls or facilitates the initial contact between a potential client or customer as defined in sections 76-2407 and 76-2409, respectively, and a broker or salesperson.

(2) The unlicensed person may only provide information regarding the broker or salesperson and the broker's or salesperson's services in written information created by the broker or salesperson that identifies the broker or salesperson and the broker's or salesperson's place of business and which is sent by email, United States mail, or by link to a web site created by the broker or salesperson.

(3) The unlicensed person is not permitted to discuss with such potential client or customer the services offered or to be offered by the broker or salesperson. The unlicensed person acting under this exemption may not discuss with such potential client or customer the client's or customer's motivation, motivating factors, or price such potential client or customer is willing to offer or accept.

(4) The unlicensed person does not have the authority and shall not purport to have the authority to obligate any such potential client or customer to work with a particular broker or salesperson or particular broker's or salesperson's place of business.

(5) The unlicensed person shall, at the beginning of any contact with such potential client or customer, identify who the unlicensed person is, the name of the entity that employs the unlicensed person, the name of the broker or salesperson, and the name of the broker's or salesperson's real estate business on whose behalf the contact is being made.

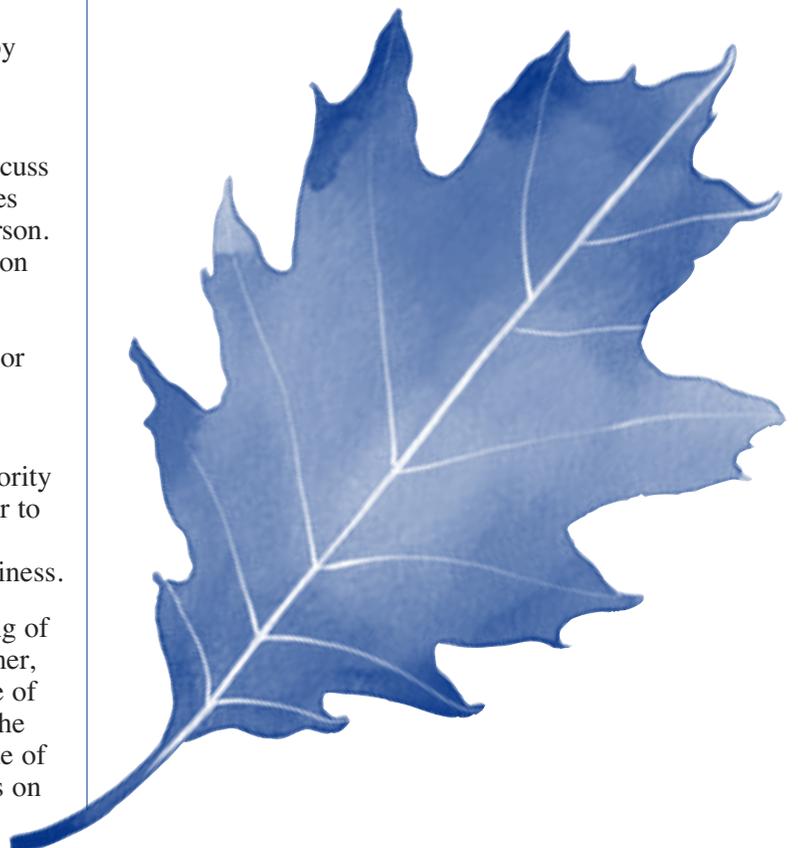
(6) The unlicensed person shall not perform any other activity of a broker or salesperson described in section 81-885.01, except those acts specifically provided for in this subdivision”.

The bill further provides that failure to provide written instructions to the unlicensed person as provided above is an unfair trade practice and a violation of the license act:

“Failing to provide a copy of section 81-885.04 or written instructions explaining the provisions of the exemption from licensure as set forth in subdivision (9) of section 81-885.04 to any unlicensed person who assists in procuring a potential client or customer as defined in sections 76-2407 and 76-2409, respectively, for the purpose of the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate.”

The Commission would also note that current regulations make it an unfair trade practice for a licensee to fail to supervise persons hired to assist the licensee in his or her real estate activities (N.A.C. Title 299, Chapter 5, sec. 003.19).

We strongly urge all licensees choosing to use unlicensed persons under the exemptions provided above after the law goes into effect to familiarize themselves with these requirements and to create specific written instructions and a script as required by the act. 

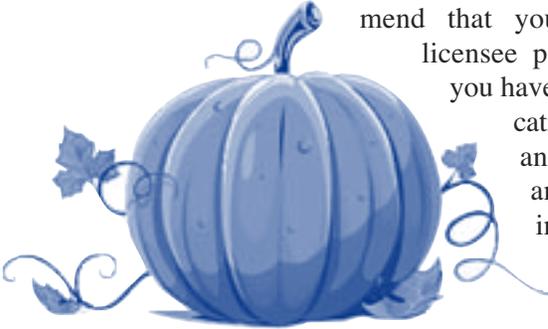




2021-2022 License Renewal Instructions

As mentioned on page 1 of the *Commission Comment*, this year there is a new licensee portal with a new process for the online renewal of your real estate license. We are urging all licensees required to renew their license to renew online this year. It is fast, convenient, and more user friendly than ever. You can renew from any computer with internet access, your smartphone or tablet, or someone else’s internet connected device.

The new system is more automated and will only allow you to complete your renewal if you have met all the renewal requirements. We recommend that you check your licensee portal to see if you have met your education for this year and your errors and omissions insurance requirements for next year before you begin



the renewal process. Please note that it can sometimes take a few days for certificates of insurance and education to be uploaded into the system. If you start your renewal and requirements have not been met, the system will stop you from going any further, but will save your information so that you can complete the process when all requirements are met. Login to your new NREC Account and click on “RENEW” to get started.

As always the Commission strongly recommends that you begin your renewal process early, license renewals are due on November 30, and delinquent on January 1. Starting early does not mean the Friday after Thanksgiving. All renewals received after November 30, or submitted or attempted to have been submitted prior to November 30, but without all renewal requirements having been met, will be subject to an additional \$25 dollar a month administrative fee for each month they are late.

Additional renewal instructions can be found when you login to your NREC Account, and also at: <https://tinyurl.com/NRECRENEW>