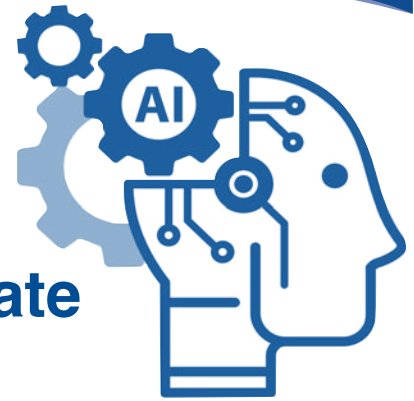




COMMISSION COMMENT



Disclosing Agent Status When Soliciting for the Purchase of Real Property

Amendments adopted to Nebraska Administrative Code, Title 99, Chapter 2, provide that a licensee must disclose they are a licensed agent in all advertising soliciting for the purchase of real property. This provision makes the law consistent with the long standing provision on the selling side that requires licensee acting as a private seller of real property to disclose their licensed agent status. The specific changes to regulations can be found here: <https://nrec.nebraska.gov/pdf/changes/Nebraska%20Administrative%20Code2024Update.pdf>

Director Lemon Retiring

Real Estate Commission Director Greg Lemon has announced that he will retire from the Commission at the end of this year. More information and a message from Director Lemon will appear in a future issue. The Commission will form a search committee and solicit applications for candidates for Director in the coming months. The position will be posted to the Nebraska State jobs website when available. <https://statejobs.nebraska.gov/>

Relying on AI in Real Estate Practice

Artificial intelligence (AI) is becoming an ubiquitous presence, offering solutions in for businesses and entrepreneurs in various sectors including service industries like real estate. However, the use of AI in real estate practice to do things like answer questions regarding licensing regulations or draft contracts poses a significant risks and challenges to real estate licensees.

Lack of Legal Accountability

AI systems, while advanced, do not possess the legal accountability that a human professional does. When it comes to interpreting licensing regulations there is often a need for nuanced understanding and judgment that AI currently lacks. If an AI provides incorrect or misleading information, the legal ramifications could be substantial, and unlike with a human advisor, there's may be no clear legal recourse.

Complexity and Variability of Regulations

Licensing regulations are complex and are also subject to frequent changes and updates. AI systems may rely

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Commission Meeting Schedule

August 15-16	Lincoln
September 19-20	Lincoln
October 17-18	Lincoln
November 21	Lincoln



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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

Staying out of Trouble with the Commission, Agency, Fiduciary Duty, and Building Your Business

I am beginning to think that I sound like a broken record on this issue, but I realize that I often give this speech when talking to groups, but there are still a lot of you that have never heard this presentation.

When I give speeches around the state, I am often asked to present something along the lines of "How to Stay Out of Trouble with the Commission". Over time that speech has evolved from the talk about disclosures, misrepresentations, contracts and listing agreements to a much simpler message.

First, what is a real estate agent? I believe if you roll all the various laws and regulations together the general definition of an agent is "a trusted, knowledgeable advisor who assists their client in the purchase, sale or lease of an interest in real property." Please note the advisor may have more expertise than the client, but they are not the CEO, the captain of the ship, the boss--the client is.

How does an agent stay out of trouble? We get lots of calls, the calls generally come from people that aren't happy with their agent. The services provided are not meeting their expectations either because they are perceived as inadequate or contrary to their wishes, or communications have broken down.

While we all know you can never make everyone happy all the time, establishing clear lines of communication and following up promptly with questions is a good start. Having the knowledge and expertise to provide advice and explain the purchase or lease process to your client, and the wisdom to refer your client to an expert when you don't. Listening to your client, who, as noted above, is the principal in the transaction, the one who makes the choice in matters. This will not only help you to avoid trouble with the Commission, but also have a happy client who will be more likely to come back to you for their next deal and recommend you to family and friends.

Looking after our client's best interest is in your best interest.

Greg Lemon, Director
Nebraska Real Estate Commission



Director Greg Lemon



Disciplinary Actions Taken by the Real Estate Commission

(Does Not Include Cases on Appeal)

2023-006 – Nebraska Real Estate Commission v. Megan Frances Ahern; Salesperson; Lincoln, NE. Stipulation and Consent entered November 9, 2023. License suspended for a period of one (1) year; with the first thirty (30) days to be served on suspension and the remainder served on probation. Suspension to commence on November 13, 2023, and continue through December 13, 2023. Probation to commence on December 14, 2023, and continue through November 13, 2024; licensee ordered to pay a civil fine of \$1,500.00 due on February 7, 2024; licensee ordered to complete an additional three (3) hours of continuing education with three (3) hours in the area of license law by May 7, 2024. [Licensee social media post offering unlicensed individuals a referral fee for referrals on real property transactions in Nebraska; violated Neb. Rev. Stat § 81-885.24 (18), it is an unfair trade practice for a licensee to provide any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act; and Neb. Rev. Stat § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson.]

2023-006 – Nebraska Real Estate Commission v. Jeffrey Morgan Ahern; Salesperson; Lincoln, NE. Stipulation and Consent entered November 9, 2023. License suspended for a period of one (1) year; with the first thirty (30) days to be served on suspension and the remainder served on probation. Suspension to commence on December 9, 2023, and continue through January 8, 2024. Probation to commence on January 8, 2024, and continue through January 9, 2024; licensee ordered to pay a civil fine of \$1,500.00 due on February 7, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by May 7, 2024. [Licensee social media post offering unlicensed individuals a referral fee for referrals on real property transactions in Nebraska; violated Neb. Rev. Stat § 81-885.24 (18), it is an unfair trade practice for a licensee to provide any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act; and Neb. Rev. Stat § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson.]

2023-026 – Nebraska Real Estate Commission v. Hunter R. Koch;

Salesperson; Lincoln, NE. Stipulation and Consent entered November 9, 2023. License suspended for a period of one (1) year; with the first thirty (30) days to be served on suspension and the remainder served on Probation. Suspension to commence on December 1, 2023, and continue through December 30, 2023. Probation to commence on December 31, 2023, and continue through

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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	Shae Drews shae.drews@nebraska.gov
Complaint Procedures	Samantha Lowery samantha.lowery@nebraska.gov
Continuing Education History or Inquiries	Shae Drews shae.drews@nebraska.gov
Curriculum Design (Education & Instructor Approval)	Melissa Belcastro melissa.belcastro@nebraska.gov
Errors and Omissions Insurance Inquiries	Monica Rut monica.rut@nebraska.gov
Financial Officer	Christina Seyersdahl christina.seyersdahl@nebraska.gov
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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
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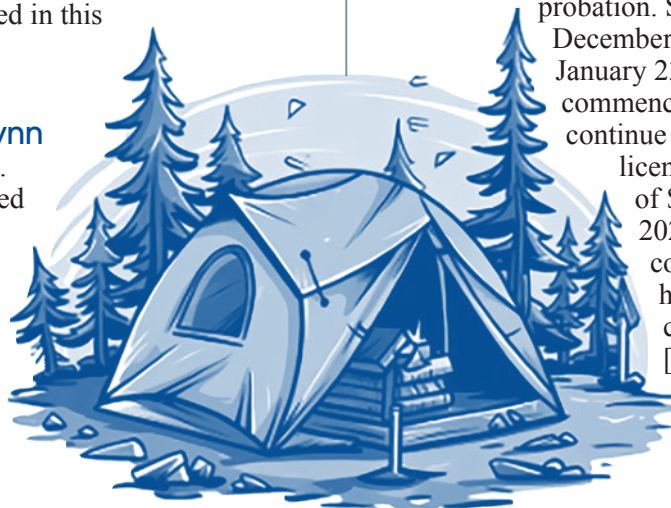
November 30, 2024; licensee ordered to pay a civil fine of \$1,500.00 due on February 7, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by May 7, 2024. [Licensee social media post offering unlicensed individuals a referral fee for referrals on real property transactions in Nebraska; violating Neb. Rev. Stat § 81-885.24 (18), it is an unfair trade practice for a licensee to provide any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act; and Neb. Rev. Stat § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson.]

2022-044 – Kevin and Rebecca Pray v. Anthony Nelson Terp; Broker; Yutan, NE.

Stipulation and Consent entered November 9, 2023. License suspended for a period of one (1) year; with the first thirty (30) days to be served on suspension and the remainder served on probation. Suspension to commence on December 1, 2023, and continue through December 30, 2023. Probation to commence on December 31, 2023, and continue through December 1, 2024; licensee ordered to pay a civil fine of \$2,000.00 due on February 7, 2024; licensee ordered to complete an additional six (6) hours of continuing education with three (3) hours in the area of license law and three (3) hours in ethics by May 7, 2024. [Licensee’s action of giving access to the buyers prior to the closing of the property is a violation of Neb. Rev. Stat § 76-2418 (1). Where a licensee representing a buyer shall be a limited agent with the following duties and obligations: (a) to perform the terms of any written agreement made with the client; (b) to exercise reasonable skill and care for the client; (c) to promote the interest of the client with the utmost faith, loyalty, and fidelity, and Neb. Rev. Stat. § 81-885.24 (16), by violating sections 76-2401 to 76-2430 and 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.]

2022-044 – Kevin and Rebecca Pray v. Karie Lynn Milford; Broker; Omaha, NE.

Stipulation and Consent entered November 9, 2023. Licensee placed on probation for a period of one (1) year. Probation to commence on December 9, 2023, and continue through December 9, 2024; licensee ordered to pay a civil fine of \$2,000.00



due on February 7, 2024; licensee ordered to complete an additional six (6) hours of continuing education with three (3) hours in the area of license law and three (3) hours in contracts by May 7, 2024. [Licensee’s failure to supervise her associate brokers and salespersons, and perform her duties as a broker, resulted in affiliated licensee giving access to a buyer prior to closing in violation of the Nebraska Real Estate Licensing Act and Regulations violating Neb. Rev. Stat. § 81-885.24(26) violating any rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act and Title 299 NAC 5-003.22 failure by a designated or employing broker to supervise her associate brokers and salespersons; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness by a broker.]

2023-021 – Nebraska Real Estate Commission v. Austin Reed Yurth; Salesperson; Lincoln, NE.

Stipulation and Consent entered November 9, 2023. License suspended for a period of three (3) years; with the first thirty (30) days to be served on suspension and the remainder served on Probation. Suspension to commence on December 1, 2023, and continue through December 30, 2023. probation to commence on December 31, 2023, and continue through November 30, 2026; licensee ordered to pay a civil fine of \$1,500.00 due on February 7, 2024; for the first two (2) years of Mr. Yurth’s suspension and probationary period, will need to attend two alcohol/substance abuse group meetings per month and provide documentary evidence of such attendance to the Commission on a quarterly basis. [Licensee’s three (3) DUI convictions are in violation of Neb. Rev. Stat § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2023-025 – Jackie Lunzmann v. Lori K. Kalin;

Salesperson; Syracuse, NE. Stipulation and Consent entered November 9, 2023. License suspended for a period of two (2) years; with the first forty-five (45) days to be served on suspension and the remainder served on probation. Suspension to commence on December 9, 2023, and continue through January 23, 2024. Probation to commence on January 24, 2024, and continue through December 8, 2025; licensee ordered to pay a civil fine of \$1,500.00 due on February 7, 2024; licensee ordered to complete an additional six (6) hours of continuing education in contracts by May 7, 2024. [Licensee acted as a limited buyer’s Agent in a real estate transaction by sending a purchase agreement

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to another licensee involved in the transaction, with several items crossed off and changed and initialed by licensee, not the buyer, violating Neb. Rev. Stat. § 76-2418 (1) (b), a licensee representing a buyer as a buyer's agent shall be a limited agent with the following duties and obligations to exercise reasonable skill and care for the client and Neb. Rev. Stat. § 76-2418 (1) (c), a licensee representing a buyer as a buyer's agent shall be a limited agent with the following duties and obligations to promote the interest of the client with the utmost good faith, loyalty, and fidelity. Licensee's edits to the purchase agreement, initialing those changes instead of having the buyer initial the changes, and use of profanity in her response to another licensee involved in the transaction, violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a salesperson.

2022-012 – Mary Ahern v. Robert Lawrence Cerveny; Salesperson; Omaha, NE. Stipulation and Consent entered November 9, 2023. Licensee placed on probation for a period of two (2) years. Probation will commence on December 9, 2023, and will continue through December 9, 2025; licensee ordered to pay a civil fine of \$2000.00 due on February 7, 2024; licensee ordered to complete an additional six (6) hours of continuing education, with three (3) hours in the area of license law and three (3) hours in the area of contracts by May 7, 2024. [Licensee failed to exercise reasonable skill and care for his client, by his failure to present an offer and his refusal to communicate with his client, which is in violation of Neb. Rev. Stat. § 76-2417 (1) (a), a licensee representing a seller as a seller's agent shall be a limited agent with the following duties and obligations, and perform the terms of the written agreement made with the client; Neb. Rev. Stat. § 76-2417 (1) (b), to exercise reasonable skill and care for the client; and Neb. Rev. Stat. § 76-2417 (1) (c) (ii), presenting all written offers to and from the client in a timely manner. Licensee violated Neb. Rev. Stat. § 81-885.24 (16), violating any provisions of sections 76-2401 to 76-2430; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson.]

2022-032 – Elaine Parman and Eagle Hollow Homeworkers Association v. Brandon G. Roseberry;

Salesperson; Lincoln, NE. Stipulation and Consent entered January 18, 2024. License suspended for a period of two (2) years; with the first thirty (30) days to be served on suspension and the remainder served on probation. Suspension to commence on February 17, 2024, and continue through March 18, 2024. Probation to



commence on March 19, 2024, and continue through February 17, 2026; licensee ordered to pay a civil fine of \$1,500.00 due on April 17, 2024; licensee ordered to complete an additional six (6) hours of continuing education, with three (3) in the area of license law and three (3) in the area of disclosures to be completed by July 16, 2024. [Licensee acted as a limited buyer's agent in a real estate transaction. Licensee communicated that the property was not in a fifty-five plus (55+) community when in fact the property was located in a fifty-five plus (55+) community causing the younger home buyer to be ineligible under the covenants to reside in the home, violating Neb. Rev. Stat. § 76-2418 (1), a licensee representing a buyer as a buyer's agent shall be a limited agent with the following duties and obligations; (a) to perform the terms of any written agreement made with the client, (b) to exercise reasonable skill and care for the client and (c) to promote the interest of the client with the utmost good faith, loyalty, and fidelity. Licensee's substantial misrepresentations regarding the covenants violated Neb. Rev. Stat. § 81-885.24 (22), substantial misrepresentation and 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a salesperson.]

2022-043 – Justin Lewis Shanahan; Broker; Omaha, NE. Stipulation and Consent entered January 18, 2024. License suspended for a period of two (2) years; with the first thirty (30) days to be served on suspension and the remainder served on probation. Suspension to commence on February 17, 2024, and continue through March 18, 2024. Probation to commence on March 19, 2024, and to continue through February 17, 2026; licensee ordered to pay a civil fine of \$1000 due on February 17, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by July 18, 2024. [Licensee failed to properly display the name his supervising broker does business under in violation of Title 299 NAC 2-003.07c advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name which the broker supervising the affiliated salesperson or broker conducts business under and 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. Licensee violated Neb. Rev. Stat. § 81-885.24 (34), utilizing team advertising or a team name suggesting the team is an independent broker, licensee's advertising failed to prominently display the name under which his

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supervising broker does business. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), when licensee utilized advertising that failed to prominently display the name of his supervising broker does business under.]

2022-036 Nebraska Real Estate Commission v. Bridget Ann Olsen; Salesperson; Lincoln, NE.

Stipulation and Consent entered January 18, 2024. Licensee placed on probation for a period of one (1) year; Probation to commence on February 17, 2024, and continue through February 17, 2025; licensee ordered to pay a civil fine of \$1,250.00 due on April 17, 2024; licensee ordered to complete an additional nine (9) hours of continuing education, with three (3) in the area of ethics, with three (3) in the area of license law and three (3) in the area of contracts by July 16, 2024. [Licensee acted as a limited buyer's agent in a real estate transaction. [Licensee, acting as the buyer's agent, failed to disclose that the seller of the property was not the owner violating 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 real estate of which a salesperson has knowledge. Licensee failure to disclose an adverse material fact that the licensee has knowledge of is a violation of Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness.]

SC2023-004 Nebraska Real Estate Commission v. Drew Isaac; Unlicensed practice.

Stipulation and Consent entered February 29, 2024. Mr. Isaac ordered to pay a civil fine of \$30,000.00 due on March 30, 2024. [Mr. Isaac, an unlicensed individual, advertised real property for sale in Nebraska that he did not hold title to, violating Neb. Rev. Stat. § 81-885.03 (3) 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 81-855.01, 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..., 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 sanction pursuant to this section for the protection of the public health, safety, or welfare, (when they failed to abide by provisions of the Commission's cease and desist order, CD 2022-005



issued March 07, 2022.]

2023-045 Nebraska Real Estate Commission v. Jon Michael Ruzicka and Alexander Perez; Jon Michael Ruzicka; Broker; Calabasas, CA.

Stipulation and Consent entered March 7, 2024. Licensee placed on probation for a period of three (3) years; Probation to commence on April 6, 2024, and continue through April 6, 2027; licensee ordered to pay a civil fine of \$2500.00 due on June 5, 2024; licensee ordered to complete an additional three (3) hours of continuing education, in the area of License Law by September 2, 2024. [Licensee's failure as a broker to supervise his salespersons and allow Mr. Perez to work as a Seller's Agent, and to represent himself as a Seller's Agent, prior to having a Nebraska Real Estate License violated Neb. Rev. Stat. § 81-885.24 (18), it is an unfair trade practice for a licensee to provide any form of compensation or consideration to any person for performing the services of a broker, associated broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act and Title 299 NAC 5-003.22, actions demonstrating negligence shall include "failure by a designated or employing broker to supervise his or her associate brokers and salespersons and violation of Neb. Rev. Stat § 81-885.24 (26), violating any rule or regulation adopted by the Commission is a violation of the License Act and an unfair trade practice. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2023-045 Nebraska Real Estate Commission v. Jon Michael Ruzicka and Alexander Perez; Alexander Perez; Calabasas, CA.

Stipulation and Consent entered March 12, 2024. Licensee placed on probation for a period on three (3) years; Probation to commence on April 11, 2024 and continue through April 11, 2027; licensee ordered to pay a civil fine of \$2500.00 due on June 10, 2024; licensee ordered to complete an additional three (3) hours of continuing education, in the area of License Law by September 8, 2024. [Licensee, by working as a Seller's Agent for a Nebraska property prior to having a Nebraska Real Estate salesperson's license, violated Neb. Rev. Stat § 81-885.24 (18), it is an unfair trade practice for a licensee to provide any form of compensation or consideration to any person for performing the services of a broker, associated broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a non-resident who is licensed in his or her resident

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regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2023-017 Nebraska Real Estate Commission v. Renee Michelle Mueller; Broker, Omaha, NE.

Disciplinary Order entered February 26, 2024. License suspended for a period of four (4) years; with the first ninety (90) days to be served on suspension and the remainder to be served on probation. Suspension to commence on March 27, 2024, and continue through June 25, 2024. Probation to commence on June 26, 2024, and continue through March 27, 2028; licensee ordered to pay a civil fine of \$2500.00; plus hearing fees of \$509.36 due May 26, 2024; licensee ordered to complete an additional fifteen (15) hours of continuing education with three (3) hours in the area of Ethics, three (3) hours in the area of Contracts, three (3) hours in the area of Trust Accounts, three (3) hours in the area of Property Management and three (3) hours in the area of License Law by August 24, 2024. [Licensee was intentionally using advertising which is misleading by offering and providing the services of a real estate broker, while licensed as an associate broker. Licensee's advertising did not prominently feature the name under which her designated broker conducted business and by advertising and providing brokerage services through Aksarben Property Management; violating Neb. Rev. Stat. §81-885.02, it is unlawful for any person, directly or indirectly, to engage in or conduct, or to advertise or hold himself or herself out as engaging in or conducting business or acting in the capacity, of a real estate broker, associate broker, or real estate salesperson within this state without first obtaining a license as such broker, associate broker, or salesperson, as provided in the Nebraska Real Estate License Act and Title 299 NAC §2-003.07 (c), 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. Licensee violated Neb. Rev. Stat. § 81-885.24 (26), it is an unfair trade



practice for a licensee to violate 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. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), it is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson. . . ., whether of the same or of a different character as otherwise specified in this section.]

2024-004 Nebraska Real Estate Commission v. Jeni Meyer; Salesperson; Omaha, NE. Stipulation & Consent entered March 21, 2024. Licensee suspended for a period of one (1) year, with the first thirty (30) days to be served on suspension and the remainder served on probation. Suspension to commence on April 7, 2024, and continue through May 7, 2024. Probation to commence May 8, 2024, and continue through April 7, 2025, licensee ordered to pay a civil fine of \$1,500.00 due on June 19, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by September 17, 2024. [Licensee's use of email to solicit referrals from unlicensed individuals constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, violating NEB. REV. STAT § 81.885.24 (18), it is unfair trade practice for a licensee to provide any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act and NEB. REV. STAT. § 81.885.24 (29), it is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson. . . , whether the same or of different character as otherwise specified in this section.”]

Disciplinary Order entered April 10, 2024. Licensee suspended for a period of three (3) years, with the first sixty (60) days to be served on suspension and the remainder served on probation. Suspension to commence on May 10, 2024, and continue through July 9, 2024. Probation to commence July 10, 2024, and continue through May 10, 2027, licensee ordered to pay a civil fine of \$1500.00; plus hearing fees of \$220.00 due on June 9, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of ethics by April 10, 2025. [Licensee's convictions of three (3) DUI's; violating NEB. REV. STAT. § 81.885.24 (29), it

2023-007 Nebraska Real Estate Commission v. Kendra Elibeth Ramos; Salesperson; Grand Island, NE.

Disciplinary Order entered April 10, 2024. Licensee suspended for a period of three (3) years, with the first sixty (60) days to be served on suspension and the remainder served on probation. Suspension to commence on May 10, 2024, and continue through July 9, 2024. Probation to commence July 10, 2024, and continue through May 10, 2027, licensee ordered to pay a civil fine of \$1500.00; plus hearing fees of \$220.00 due on June 9, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of ethics by April 10, 2025. [Licensee's convictions of three (3) DUI's; violating NEB. REV. STAT. § 81.885.24 (29), it

(Continued on page 8)

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is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson..., whether the same or of different character as otherwise specified in this section.”]

2023-004 Nebraska Real Estate Commission v. Matthew Ryan Carper & Tom Simmons;

Tom Simmons; Broker; Omaha, NE; Dismissed. Matthew Ryan Carper; Salesperson; Omaha, NE. Disciplinary Order entered May 13, 2024. Licensee placed on probation for a period on two (2) years; Probation to commence on June 12, 2024 and continue through June 12, 2026; licensee ordered to pay a civil fine of \$2000.00, plus hearing fees of \$385.00, totaling \$2385.00; due on August 11, 2024; licensee ordered to complete an additional six (6) hours of continuing education, with three (3) in the area of Ethics and three (3) in the area of Contracts by November 9, 2024.

[Licensee’s misrepresentation of a counteroffer that he could not produce in writing and Licensee’s contract drafting, which caused an arbitrator to determine no meeting of the minds occurred, regarding specific terms of the agreement, violated Neb. Rev. Stat. § 76-2417 (1), a licensee representing a seller shall be a limited agent with the following duties and obligations; (a) to perform the terms of a written agreement made with the client, (b) to exercise reasonable skill and care, (c) to seek a price and terms which are acceptable to the client, and (e) to comply with all requirements of sections 76-2401 to 76-2430, the Nebraska Real Estate License Act, and any rules and regulations promulgated to such sections or act. Licensee violated Neb. Rev. Stat. § 81-885.24 (22), it is an unfair trade practice for a licensee to make any substantial misrepresentations. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2023-015 Nebraska Real Estate Commission v. Aaron Scott Krier;

Salesperson; Omaha, NE; Disciplinary Order entered May 13, 2024; Licensee suspended for a period of three (3) years, with the first sixty (60) days to be served on suspension and the remainder served on probation.


Suspension to commence on June 12, 2024, and continue through August 11, 2024. Probation to commence August 12, 2024, and continue through June 12, 2027, licensee ordered to pay a civil fine of \$2,500.00, plus hearing fees of \$770.00, totaling \$3,270.00; due on August 11, 2024; licensee ordered to complete an additional six (6) hours of continuing education with three (3) in the area of Ethics and three (3) in the area of Contracts by

November 9, 2024. [Licensee left the house in pending status after the initial offer was withdrawn and, purchased the house at a lower price than initial offer and sold the house for significantly more money shortly after, which is a violation of Neb. Rev. Stat. § 76-2417; a licensee representing a seller as a seller’s agent shall be a limited agent with the following duties and obligations: (a) to perform the terms of the written agreement made with the client, (b) to exercise reasonable skill and care for the client, and (c) to promote the interest of the client with the utmost good faith, loyalty, and fidelity. Licensee’s violations of his fiduciary duty to his seller is a violation of NEB. REV. STAT. § 81.885.24 (29), it is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson..., whether the same or of different character as otherwise specified in this section.”]

2022-026 Nebraska Real Estate Commission v. Jason Allan Young;

Salesperson; Omaha, NE; Disciplinary Order entered May 13, 2024; Licensee placed on probation for a period of two (2) years. Probation to commence June 12, 2024, and continue through June 12, 2026, licensee ordered to pay a civil fine of \$1,000.00, plus hearing fees of \$220.00, totaling \$1,220.00; due on August 11, 2024; licensee ordered to complete an additional six (6) hours of continuing education with three (3) in the area of Trust Accounts and three (3) in the area of Property Management by November 9, 2024. [Licensee’s failure to submit an audit violated Title 299 NAC 3-002; Licensee’s failure to produce any document, book, or record in the licensee’s possession, or under his or her control, concerning any real estate transaction under investigation by the commission violated Title 299 NAC 3-017; Licensee’s conduct violates § 81-885.24 (29), it is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker..., whether of the same or of a different character as otherwise specified in this section.”]

2024-014 Nebraska Real Estate Commission v. Dana Michael Terrell;

Broker; Genoa, NE; Stipulation and Consent entered May 16, 2024; Licensed revoked. [Licensee’s conviction of an Attempt of a Class 1/1A/1B/1C/1D felony constitutes violating Neb. Rev. Stat. § 81.885.24. (29), it is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson..., whether the same or of a different character as otherwise specified in this section.”] 



License Law Briefs

Fake Agents

The Commission has heard that there may be an uptick in people pretending to be licensed real estate agents, often as part of a scheme to defraud through the sale of land for which the “agent” doesn’t have a valid listing agreement or any permission from the seller to market. While there is no positive duty under the License Act for a licensee to verify the license status of the agent on the other side of the transaction, it is certainly not a bad idea if you have any reason to be suspicious.

Checking license status is quick and easy, go to <https://nrec.igovsolution.net/online/Verification/Individual> and enter the name and fill out one other field (we would suggest picking License Status “Active” to get the broadest possible search results) as well as the supplied security code. The return will either give you the licensee information or “no results found”. If you are still unsure feel free to contact our office for further information.


Complying with a License Suspension Order

When a licensee is placed on disciplinary suspension they cannot conduct any activities requiring a real estate license. However, the Commission fields several calls throughout the year regarding what can and can’t be done on suspension.

Before the suspension begins a licensee should transfer all listings and clients. Please note that ceasing all activity requiring a real estate license also includes removing all advertising including internet advertising.

While under suspension, a licensee may be compensated for activities they conducted prior to their suspension. The suspended licensee should not delay closings or ask clients to wait until the licensee is off suspension to complete their transactions (but the licensee should work with their client and broker to make sure another licensee can assist as needed with these transactions during the suspension). Once a licensee is off suspension, they may resume activities as normal.

While on Suspension the Commission encourages licensees to complete the Continuing Education portion of their discipline.

Brokers must provide, in writing, that they want the licensee to resume working with them before the licensee’s license can be transferred back to active status. 



Fining Authority Increase

Effective July 19, 2024, the Commission’s authority to impose civil fines in disciplinary matters will be increased from \$2,500 per complaint to \$5,000 per complaint or the commission earned in the transaction giving rise to the complaint, whichever is greater.

(Continued from page 1)

on out of date laws and regulations, leading to inaccurate advice and conclusions. Moreover, the subtleties of license laws and the context-specific nature of legal interpretation require a level of adaptability and understanding that AI cannot provide.

Drafting Contracts

When querying AI about drafting contracts or giving AI personal data in the context of preparing a letter or other written documents, remember that sensitive data is often kept by the system. AI systems must collect and store this information to provide relevant answers. This raises serious data privacy concerns, as the potential for data breaches or misuse of information is an ever-present threat.

Drafting Property Descriptions or Marketing Materials


A licensee may use AI or a marketing assistant or some other third party source to write property descriptions, however the usual caveats about sources of information and accuracy of information in the AI product apply here as well. The accuracy of the description is still the responsibility of the agent. Review any and all marketing materials thoroughly for errors or misstatements.

Overall

Ethical and Bias Issues

AI systems are only as unbiased as the data they are trained on. If the underlying data contains biases, the AI’s guidance on licensing regulations will reflect those biases, which could lead to unfair or unethical outcomes. AI may rely on outdated materials or articles it finds online to base its draft.

Conclusion

While AI offers many benefits, its application in the field of licensing regulations should be approached with caution. The potential for misinformation, legal issues, and privacy concerns are significant concerns that need to be addressed. While using AI is not a violation in and of itself, “The AI did it” is not an excuse for any work that is the responsibility of a real estate licensee. 

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Staffing Changes

New Deputy for Education

The Commission has hired Melissa Belcastro as our new Deputy for Education. Ms. Belcastro has over 23 years of experience in the education field and holds two Master’s Degrees, one in in Elementary Education and the other in Education Leadership and Administration. We are very excited to have Ms. Belcastro on board with the Commission.

New Compliance Auditor

The Commission has hired Julaina Riege as our new compliance auditor. Ms. Reige’s experience including accounts payable bookkeeping as well as acting as a transaction review coordinator for a large real estate firm in Kansas City. We are pleased to have added Ms. Reige to our compliance audit team.

The Commission also is happy to have welcomed on board our new Administrative Assistant for Enforcement Marisa Whitley, our new Finance Officer Christina Seyersdahl, and our new Executive Assistant to the Commission Shae Drews. 🏠

In Memorium

Alane Roubal, Deputy for Education, 2014-2022

It is with great sorrow that the Commission notes the passing of Alane Roubal, who served as the Commission’s Deputy for Education from 2014-2022. Alane oversaw many changes related to commission approved training, testing, and distance education in her tenure as education director. She always brought a great combination of her degrees and experience in education tempered by her Nebraska raised farm kid good common sense to work with her every day, and she is greatly missed. 🏠

