

SOUTH DAKOTA REAL ESTATE COMMISSION
TELEPHONIC MEETING
JANUARY 7, 2015
221 W CAPITOL AVE, STE 101
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened telephonically at 10:30 a.m. on January 7, 2015. Present for the meeting were Chairman Matt Krogman and Commission members David Bonde, Paula Lewis, Mark Wahlstrom and Ryan Wordeman. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling and Department of Labor and Regulation legal counsel Aaron Arnold.

Motion by Wahlstrom, seconded by Lewis, to approve the agenda as presented. Motion carried by roll call vote.

Motion by Wordeman, seconded by Wahlstrom, to approve the minutes of the November 13, 2014 meeting. Motion carried by roll call vote.

Motion by Bonde, seconded by Lewis, to approve the financial report for November 2014. Motion carried by roll call vote.

Move agenda item number 6 to follow item number 8.

Motion by Wahlstrom, second by Lewis to dismiss Complaint 2015-013. Motion carried by roll call vote.

Legal counsel briefed the Commission on Complaint 2015-020.

Motion by Wahlstrom, seconded by Wordeman, to enter into executive session at 10:50 a.m. pursuant to SDCL 1-25-2(3). Motion carried by roll call vote.

The Commission reconvened to regular session at 11:00 a.m.

Motion by Lewis, seconded by Wordeman, to dismiss Complaint 2015-020. Motion carried by roll call vote.

Motion by Bonde, seconded by Wahlstrom, to accept the consent agreement of Dena Sheets and Martin Jurisch in Complaint 2015-004 to the following:

- a. Ms. Sheets shall pay an administrative fine in the amount of \$2,500.00 to the Commission by March 31, 2015; and
- b. Ms. Sheets shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:

1. Law – 6 hours;

Ms. Sheets shall submit written proof of completing the required education by May 31, 2015. For purposes of this Agreement, "in-classroom setting" means a class offered in the traditional classroom setting with the instructor and a body of students present in the same room. The courses may not be distance education offerings. The required course work will not count toward Ms. Sheets' continuing education requirement for maintaining her license.

- c. Ms. Sheets agrees that if Ms. Sheets fails to comply with sections 15(a) or 15(b) of this Consent Agreement, then Ms. Sheets' license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply, and shall last until Ms. Sheets comes into compliance with this agreement.

For Martin Jurisch the following:

- a. Mr. Jurisch shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 1. Law – 6 hours;

Mr. Jurisch shall submit written proof of completing the required education by May 31, 2015. The required course work will not count toward Mr. Jurisch's continuing education requirement for maintaining his license.

- b. Mr. Jurisch agrees that if Mr. Jurisch fails to comply with sections 7(a) of this Consent Agreement, then Mr. Jurisch's license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply; and shall last until Mr. Jurisch comes into compliance with this agreement.

Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Lewis, to accept the consent agreement of Trina Wheeler in Complaint 2015-006 to the following;

- a. Ms. Wheeler shall pay an administrative fine in the amount of \$500.00 to the Commission by February 27, 2015;
- b. Ms. Wheeler will pay for, attend, and successfully complete 3 hours of Commission approved courses in the following area of study: License Law. The course shall be an in-person classroom setting and provide written evidence of such compliance to the South Dakota Real Estate Commission by April 30, 2015. The required course work will not count toward Ms. Wheeler's continuing education requirement for maintaining her license; and
- c. Ms. Wheeler agrees that if she fails to comply with 12(a) or 12(b) of this Agreement, then her license shall be suspended until she fully complies with the section in which she is deficient.

Motion carried by roll call vote.

Motion by Wordeman, seconded by Wahlstrom, to accept the consent agreement of Christle Robinson and Carmen Bickford in Complaint 2015-011 to the following:

- a. Ms. Robinson shall pay an administrative fine in the amount of \$500.00 to the Commission by March 31, 2015; and
- b. Ms. Robinson shall pay for, attend, and successfully complete the following Commission approved education course in an in-classroom setting:
 - 1. Law – 6 hours'
 - 2. Agency – 3 hours

Ms. Robinson shall submit written proof of completing the required education by May 31, 2015. For purposes of this Agreement, "in-classroom setting" means a class offered in the traditional classroom setting with the instructor and a body of students present in the same room. The courses may not be distance education offerings. The required course work will not count toward Ms. Robinson's continuing education requirement for maintaining her license.

- c. Mr. Robinson agrees that if she fails to comply with sections 17(a) or 17(b) of this Consent Agreement, then Ms. Robinson's license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply, and shall last until Ms. Robinson comes into compliance with this agreement.

For Carmen Bickford the following:

- a. Ms. Bickford shall pay an administrative fine in the amount of \$500.00 to the Commission by March 31, 2015; and
- b. Ms. Bickford shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 - 1. Law – 6 hours;
 - 2. Agency – 6 hours.

Ms. Bickford shall submit written proof of completing the required education by May 31, 2015. The required course work will not count toward Ms. Bickford's continuing education requirement for maintaining her license.

- c. Ms. Bickford agrees that if she fails to comply with sections 17(a) or 17(b) of this Consent Agreement, then Ms. Bickford's license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply, and shall last until Ms. Bickford comes into compliance with this agreement.

Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Bonde, to accept the consent agreement of Bruce Holmes in Complaint 2015-014 to the following:

- a. Mr. Holmes shall pay an administrative fine in the amount of \$100.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement.

Motion carried by roll call vote.

Motion by Lewis, seconded by Wahlstrom, to accept the consent agreement of Caleb Veldhouse in Complaint 2015-016 to the following:

- a. Mr. Veldhouse shall pay an administrative fine in the amount of \$100.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement.

Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Wordeman, to accept the consent agreement of Nicole Rozema in Complaint 2015-018 to the following:

- a. Ms. Rozema shall pay an administrative fine in the amount of \$100.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement.

Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Lewis, to accept the consent agreement of Carl Haberstick in Complaint 2015-019 to the following:

- a. Mr. Haberstick shall pay an administrative fine in the amount of \$100.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement.

Motion carried by roll call vote.

Discussion was held on the use of consent agreements.

Motion by Wahlstrom, second by Lewis, to enter into executive session at 11:23 a.m. pursuant to SDCL 1-25-2(3). Motion carried by roll call vote.

The Commission reconvened to regular session at 11:30 a.m.

Motion by Bonde, seconded by Lewis, to deny the broker associate application in agenda item number 6 in accordance to SDCL 36-21A-30. Motion carried by roll call vote.

Discussion was held on the request of Joan Cota. Motion by Bonde, second by Wordeman, to deny the request for an extension for her to complete the required disciplinary education and for her to complete the course online. Motion carried by roll call vote with Wahlstrom voting Nay.

Discussion was held on the request of Johnathan Sweets. Motion by Bonde, seconded by Wahlstrom, to deny the request for an extension for him to complete the required disciplinary education but allow him to complete the courses through the South Dakota School of Real Estate. Motion carried by roll call vote.

Motion by Bonde, seconded by Wordeman, to amend the motion of Joan Cota to allow her to take the course by the South Dakota School of Real Estate. Motion carried by roll call vote with Wahlstrom voting Nay.

Discussion was held on the suspension of a license when a licensee doesn't comply with the requirements in a consent agreement.

The executive director informed the Commission of the 2015 ARELLO Mid Year meeting in Albuquerque, New Mexico April 15-18, 2015. Motion by Lewis, seconded by Wordeman, to approve the attendance of one staff member and one Commission member at the meeting. Motion carried by roll call vote.

Discussion was held on the new changes with the title companies on real estate closings and what the Commission will be requiring in an audit.

The next regular meeting of the Commission will be held March 17 & 18, 2015 in Pierre.

There being no other business, motion by Bonde, seconded by Wahlstrom, to adjourn at 12:28 p.m. Motion carried by roll call vote.

Minutes submitted by Norma Schilling

Matt Krogman, Chairman

Melissa Miller, Executive Director