

SOUTH DAKOTA REAL ESTATE COMMISSION
JANUARY 30 & 31, 2008
HOLIDAY INN EXPRESS
110 EAST STANLEY ROAD
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:00 p.m. on January 30, 2008 in Conference Room A of the Holiday Inn Express, Fort Pierre, SD. Present for the meeting were Chairman Brian Jackson, Vice Chairman Eileen Fischer and commission members Dennis Einsnach, Charles Larkin and Paula Lewis. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer and licensing program administrator Norma Schilling.

Motion made and seconded to approve the minutes of the November 28 & 29, 2007 meeting. Motion carried.

Motion made and seconded to accept the financial reports for November and December 2007. Motion carried.

The executive director informed the commission that Darrell Leamy has appealed the commission's decision to the Supreme Court.

The executive director updated the commission on legislative bills that will have an effect on the Real Estate Commission.

The executive director approached the commission on researching on-line renewals. Following discussion, motion was made and seconded, for the office staff to research on-line services with other agencies and states. Motion carried.

The executive director informed the commission that the ARELLO Midyear Meeting will be held in Pasadena, CA April 24-26, 2008. Motion made and seconded to request the attendance of four commission members and the executive director at the ARELLO Midyear Meeting. Motion carried.

Motion made and seconded to enter into executive session at 2:05 p.m. to review complaints. Motion carried.

Motion made and seconded to come out of executive session at 2:25 p.m. Motion carried.

Complaint #2008-005, Pistulka vs. Sentry Home Inspection/Hone. Motion made and seconded to move to a formal hearing. Motion carried.

Complaint #2008-007, Kennedy vs. All American Realty Group LLC/Muse. Motion made and seconded to dismiss the complaint. Motion carried.

Complaint #2008-008, Salvino vs. 1st Choice Realty/Teachout/Mueller & RE/MAX of Rapid City/Busse/Hensley. Motion made and seconded to dismiss the complaint with Commission Member Paula Lewis recusing herself from participation in the complaint. Motion carried.

The executive director asked the commission for guidance on a property manager's application from Julie Burke that was received in our office after the 60 day requirement. Following discussion, motion made and seconded to approve the property manager's application of Julie Burke. Motion carried.

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The executive director informed the commission that she had received a letter from Heather Lammers Bogard, attorney for Garry Neiderworder and Robert Leonard, requesting that the complaint filed with Commission be stayed pending the outcome of the civil case. Motion made and seconded to grant the stay on the complaint filed against Garry Neiderworder and Robert Leonard. Motion carried.

The executive director informed the Commission that she would like to order new name badges for the Commission and office staff. The Commission instructed the executive director to proceed with the ordering and designing of new name badges.

Keith Runquist joined the Commission meeting at 2:55 to address his concerns with home inspection reports. The executive director and Mr. Runquist will work together in writing an article for the Commission Newsletter on home inspection reports. Mr. Runquist left the meeting at 3:23 p.m.

Chairman Brian Jackson at 3:50 p.m. convened the formal hearing on complaint #2008-011, SDREC vs. Charles Kolb. Present for the hearing in addition to the members of the Commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, court reporter Carla Bachand and defendant Charles Kolb. The hearing closed at 4:05 p.m.

Motion made and seconded to enter into executive session at 4:10 p.m. Motion carried.

Commission Member Eileen Fischer left the meeting at 4:13 p.m.

Motion made and seconded to come out of executive session at 4:20 p.m. Motion carried.

Motion made and seconded to offer to enter into a Stipulation and Assurance of Voluntary Compliance with Charles Kolb to the suspension of his license until the successful completion of an inpatient alcohol program at which time his license will be reinstated contingent on no violations of the probation conditions. Motion carried.

The meeting recessed at 4:25 p.m. and reconvened at 8:35 a.m. on January 31, 2008.

Patricia Haiar, Tammi Wendell and Kelly Howie joined the commission to review the draft forms the forms committee has been working on.

Rebecca Bentz, reporter for the Capital Journal, joined the meeting at 9:10 a.m. and left at 9:45 a.m.

Commission Member Dennis Eisnach left the meeting at 9:40 a.m.

Legal Counsel Jim Robbennolt left the meeting at 11:00 a.m.

Commission Member Eileen Fischer left the meeting at 11:35 a.m.

Kelly Howie left the meeting at 11:40 a.m.

Patricia Haiar and Tammi Wendell left the meeting at 11:50 a.m.

The next meeting of the commission will be held March 5 & 6, 2008 in Pierre.

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There being no further business, motion made and seconded to adjourn at 11:52 a.m. Motion carried.

Brian Jackson, Chairman

Dee Jones Noordermeer, Executive Director

I, Dee Jones Noordermeer, hereby certify that the above is a true and correct copy of the minutes of the South Dakota Real Estate Commission meeting held on January 30 & 31, 2008.

Dee Jones Noordermeer, Executive Director