

SOUTH DAKOTA REAL ESTATE COMMISSION
FEBRUARY 2, 2012
CULTURAL HERITAGE CENTER
900 GOVERNORS DRIVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:32 a.m. on February 2, 2012. Present for the meeting were Chairman Charles Larkin and commission members Paula Lewis, Doug Nelson and Mark Wahlstrom. Commission member Dennis Eisnach was not present for the meeting. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling, Department of Labor and Regulation legal counsel Aaron Arnold and compliance officers Michelle Metzinger and Brian Jackson.

Motion made by Wahlstrom, seconded by Lewis to approve the agenda as presented. Motion carried.

Motion made by Wahlstrom, seconded by Lewis, to approve the minutes of the November 30 & December 1, 2011 and January 13, 2012 meetings. Motion carried.

Financial reports for November & December 2011. Motion made by Nelson, seconded by Wahlstrom to accept the financial reports. Motion carried.

Motion made by Nelson, seconded by Wahlstrom to enter into executive session at 8:52 a.m. for deliberation purposes. Motion carried.

The Commission reconvened to regular session at 9:10 a.m.

Department of Labor and Regulation legal counsel Nathan Lukkes joined the meeting at 9:10 to brief the Commission on HB 1229. Nathan left at 9:35 a.m.

Motion made by Wahlstrom, seconded Nelson to enter into executive session at 9:37 a.m. for deliberation purposes. Motion carried.

The Commission reconvened to regular session at 10:15 a.m.

Motion made by Wahlstrom, seconded by Nelson to dismiss complaint 2012-004 and have the executive director write a letter to the party involved. Motion carried.

The Commission instructed compliance officer to continue investigation in complaint 2012-005.

Motion made by Nelson, seconded by Wahlstrom to have legal counsel negotiate to settle in complaint 2012-006. Motion carried.

Lindsey Riter-Rapp joined at 10:35 a.m.

Discussion was held on conducting audits of out of state firms that are licensed in South Dakota. Following discussion, the Commission determined that a mail audit or an on-site audit, if feasible, should be conducted on out of state firms.

Legal counsel Lindsey Riter-Rapp gave an update on Paul Vallette. Motion for summary judgment has been filed and is scheduled for hearing.

Legal counsel Lindsey Riter-Rapp gave an update on Joel Willette. Legal counsel informed the Commission that Mr. Willette has signed the Stipulation.

Legal counsel Lindsey Riter-Rapp informed the Commission that a hearing for oral arguments has been set on Cheri St. Pierre.

Lindsey Riter-Rapp left the meeting at 10:55 a.m.

Discussion was held on ARELLO Internet guidelines. The executive director will check with ARELLO to see if they will be updating their Internet guidelines. Motion made by Nelson, seconded by Wahlstrom to adopt the 2009 ARELLO Internet guidelines as Commission policy to replace the 1999 Internet guidelines. Motion carried.

The specialized real estate advisory group met on February 1, 2012 and will meet again in June 2012. Areas to be looked at will be commercial brokerage, condominiums, rentals and mobile home brokers.

An update was given on the 2012 ARELLO District Conference to be held June 5-7, 2012. Another update will be given at the April meeting.

Discussion was held on possible future legislation. Staff will be going through the license laws and administrative rules to see what needs to be addressed for future legislation. Discussion was held license renewals.

Commission member Paula Lewis gave an update on the ARELLO Leadership Symposium that she attended.

The next meeting of the Commission will be April 4 & 5, 2012 in Pierre.

There being no further business, motion made by Nelson, seconded by Wahlstrom to adjourn at 12:55 p.m. Motion carried.

Minutes submitted by Norma Schilling

Charles A. Larkin, Chairman

Melissa Miller, Executive Director