

SOUTH DAKOTA REAL ESTATE COMMISSION
KNEIP BUILDING
MARCH 17, 2015
700 GOVERNORS DR
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:00 a.m. on March 17, 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.

Motion by Bonde, seconded by Wordeman, to approve the minutes of the January 7, 2015 meeting. Motion carried.

Motion by Wahlstrom, seconded by Wordeman, to approve the financial reports for December 2014, January & February 2015. Motion carried.

Motion by Bonde, seconded by Wahlstrom, to approve the consent agreements with a penalty of \$100 for each licensee for the list provided at the meeting which includes the violation for the following:

Failure to maintain errors and omissions insurance or to provide proper notification to the commission of errors and omissions insurance (SDCL 36-21A-119, ARSD 20:69:15:02, 20:69:15:06, 20:69:15:07);

Pam Williams, Broker Associate, Watertown
Greg Woolridge, Broker Associate, Rapid City
Brenda Thompson, Broker Associate, Madison
Matthew Kirk, Broker, Spearfish
Sally Solum, Broker Associate, Tea
Alicia Hocke, Broker Associate, Rapid City
Tracie Ambur, Broker Associate, Sioux Falls
Margue Fenner, Broker Associate, Sioux Falls
Sandy McConnell, Broker Associate, Sioux Falls
Halli Holden, Broker Associate, Pierre
Daniel Todd, Broker, Pierre
Johnny Hanson, Broker, Sioux Falls
Stephanie Zomermaand, Broker Associate, Sioux Falls
Tara Allen, Broker Associate, Sioux Falls
Teri Able, Broker Associate, Sioux Falls
Eric Fenicle, Broker Associate, Sioux Falls
Bryan Mulder, Broker, Sioux Falls
Corey DeVille, Broker Associate, Sioux Falls
Marissa Jondahl, Broker Associate, Aberdeen
Jessica Olson, Broker Associate, Rapid City
Michael O'Dea, Broker Associate, Sturgis
Dallerie Davis, Broker, Rapid City
Melissa Cuke, Broker Associate, Yankton
Deb Even, Property Manager, Sioux Falls

Performing real estate brokerage activity beyond the month in which a license lapses for nonpayment of renewal fees, and/or not filing/completing the required continuing education (SDCL 36-21A-61, 36-21A-62, 36-21A-64);

Mark Reese, Broker Associate, Spearfish
Todd McPherson, Broker Associate, Rapid City
Bryan Hanson, Broker Associate, Pierre
Daniel Tribby, Broker Associate, Rapid City
Donna Kubik, Broker Associate, Chamberlain
Caleb Svartoiien, Broker Associate, Brookings
Matthew Swartwout, Broker Associate, Sioux Falls
Betsy Hughes, Broker Associate, Vermillion
Jana Bye, Broker Associate, Vermillion
Lynn Arnold, Broker Associate, Rapid City
Carmen Kuchenbecker, Broker Associate, Rapid City
Bradly Olson, Broker Associate, Lennox
Tyler McGregor, Broker Associate, Salem
Michael Robbins, Home Inspector, Aurora
Sarah Flemmer, Broker Associate, Brandon
Troy Engstrom, Broker Associate, Watertown
Thomas Simmons, Broker, Sioux Falls
Stuart Thill, Broker Associate, Sioux Falls
Bill Conkling, Broker, Yankton
Lance O'Farrell, Broker Associate, Watertown
Fern Sanders, Broker Associate, Aberdeen
Tom Bozied, Broker Associate, Brookings
Shannon (Shay) Matkins, Broker Associate Rapid City

Motion carried.

Motion by Wahlstrom, seconded by Wordeman, to approve the broker associate application of applicant No. 1. Motion carried.

Motion by Bonde, seconded by Wahlstrom, to deny the broker associate application of applicant No. 2 based on 36-21A-33(3) & 36-21A-33(7). Motion carried.

Motion by Wahlstrom, seconded by Lewis, to approve the consent agreement of Danielle Merrow in Complaint 2014-003 to the following:

- a. Ms. Merrow shall pay an administrative fine in the amount of \$1,500.00 to the Commission by April 30, 2015;
- b. Ms. Merrow shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 - 1) 6 hours of Commission approved courses in the area of study of Agency;
 - 2) 6 hours of Commission approved courses in the area of study of Contracts; and
 - 3) 6 hours of Commission approved courses in the area of study of Law.

Ms. Merrow shall submit written proof of completing the required education by August 31, 2015. For purposes of the 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 towards Ms. Merrow's continuing education requirement for maintaining her license.

- c. Ms. Merrow agrees that if Ms. Merrow fails to comply with sections 14(a) or 14(b) of this Consent Agreement, then Mr. Merrow'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. Merrow comes into compliance with this agreement.

Motion carried.

Legal counsel updated the Commission on the status of complaint 2014-080.

The hearing on the application appeal of Erik Meyer was convened at 8:53 a.m. with Hearing Examiner Hillary Brady of the Office of Hearing Examiners presiding. Present for the hearing were Chairman Matt Krogman and Commission members David Bonde, Paula Lewis, Mark Wahlstrom and Ryan Wordeman, Department of Labor and Regulation legal counsel Aaron Arnold, executive director Melissa Miller, licensing program administrator Norma Schilling and Erik Meyer. The hearing closed at 9:39 a.m.

Compliance officer Brian Jackson joined the meeting at 9:50 a.m.

Compliance officer Brian Jackson briefed the Commission on Complaint 2015-017.

Compliance officer Brian Jackson left the meeting at 10:10 a.m.

Motion by Wordeman, seconded by Wahlstrom, to enter into executive session at 10:14 a.m. pursuant to SDCL 1-25-2(3). Motion carried.

The Commission reconvened to regular session at 10:46 a.m.

Motion by Lewis, seconded by Bonde, to dismiss the complaint against the present broker of the company complained against in Complaint 2015-017. Motion carried.

Motion by Lewis, seconded by Wordeman, to dismiss the complaint against the past broker of the company complained against in Complaint 2015-017 with a follow-up letter from the executive director. Motion carried.

Discussion was held on Complaint 2015-054. The Commission will proceed to a formal hearing in Complaint 2015-054.

Discussion was held on the complaint/citation program adopted by the Commission on January 8, 2014.

Education director Karen Callahan joined the meeting at 11:17 a.m.

Discussion was held on the proposed administrative rules changes to continuing education.

Discussion was held on a request for an experience waiver. Motion by Wahlstrom, seconded by Wordeman, to approve the experience waiver of Julie Yager. Motion carried.

The executive director informed the Commission of the 2015 REEA Conference to be held June 18-22, 2015 in Storrs, CT. Motion by Lewis, seconded by Wordeman, to approve the attendance of education director Karen Callahan at the REEA Conference. Motion carried.

Legal counsel informed the Commission that he will do a presentation at the next meeting on open meeting laws.

Legal counsel briefed the Commission on a court case with a licensing board involving active supervision in another state.

The next regular meeting of the Commission will be held May 13-14, 2015 in Pierre.

There being no further business, motion by Wahlstrom, seconded by Wordeman, to adjourn at 1:00 p.m.
Motion carried.

Minutes submitted by Norma Schilling

Matt Krogman, Chairman

Melissa Miller, Executive Director