

SOUTH DAKOTA REAL ESTATE COMMISSION
SPECIAL TELEPHONIC MEETING
APRIL 21, 2014
221 WEST CAPITOL AVE STE 101
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened telephonically at 9:32 a.m. on April 21, 2014. Present for the meeting were Chairman Mark Wahlstrom and commission members David Bonde, Matt Krogman, Paula Lewis and Doug Nelson. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling and Department of Labor and Regulation legal counsel Aaron Arnold.

Motion by Nelson, seconded by Krogman, to approve the agenda as presented. Motion carried by roll call vote.

Motion by Bonde, seconded by Nelson, to enter into executive session at 9:40 a.m. pursuant to SDCL 1-25-2(3). Motion carried by roll call vote.

The commission reconvened to regular session at 10:11 a.m.

Motion by Krogman, seconded by Bonde, to review the order regarding the discipline and sanction through briefs from the attorneys but not review the findings of facts from the hearing examiner in Complaint 2013-001. Motion carried by roll call vote. Bonde, Krogman and Wahlstrom voted Yea, Nelson voted Nay and Lewis abstained from voting.

Motion by Nelson, seconded by Krogman, to approve the consent agreement as signed by Kristen Lowe to the following:

- a. Ms. Lowe's license, License No.12598, is hereby suspended for a period of one year beginning on the effective date of this Order, with the one year suspension being held in abeyance for a period of two years so long as the following conditions are complied with:
 - 1) Ms. Lowe will comply with all laws and regulations relating to his profession under SDCL chapter 36-21A and ARSD article 20:69 for a period of two years beginning on the date of execution of this agreement;
 - 2) Ms. Lowe shall pay an administrative fine in the amount of \$2,500.00 to the Commission by June 30, 2014; and
 - 3) Ms. Lowe shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 1. Agency – 8 hours;
 2. Contracts – 8 hours; and
 3. Ethics – 8 hours.

Ms. Lowe shall submit written proof of completing the required education by November 30, 2014. 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. Lowe's continuing education requirement for maintaining his license and cannot be completed at the South Dakota School of Real Estate.

Motion carried by roll call vote with Lewis abstaining.

Motion by Nelson, seconded by Krogman, to enter into executive session at 10:22 a.m. pursuant of SDCL 1-25-2(3). Motion carried by roll call vote.

The Commission reconvened to regular session at 10:35 a.m.

Motion by Bonde, seconded by Nelson, to not amend the consent agreement with the responsible broker in Complaint 2014-010. Motion carried by roll call vote with Lewis abstaining.

Motion by Nelson, seconded by Krogman, to approve the Assurance of Voluntary Compliance for Thomas Sweetman to the following:

- b. Mr. Sweetman will pay an administrative penalty in the amount of \$100.00 by April 15, 2014 to the Commission; and
- c. Mr. Sweetman will pay for, attend, and successfully complete 6 hours of Commission approved courses in the area of study of Law and provide written evidence of such compliance to the South Dakota Real Estate Commission by September 30, 2014. The required course work will not count toward Mr. Sweetman's Continuing Education requirement for maintaining his license and cannot be completed at the South Dakota School of Real Estate.

Motion carried by roll call vote.

The executive director informed the Commission on the ARELLO District 2 & 3 Conference to be held in Omaha, NE June 3-5, 2014. Motion by Krogman, seconded by Bonde, to approve the attendance of Commission members and the executive director that would like to attend. Motion carried by roll call vote.

The executive director informed the Commission on the 2014 REEA Conference to be held in Scottsdale, AZ June 20-23, 2014. Motion by Lewis, seconded by Nelson, to approve the education director to attend the conference. Motion carried by roll call vote.

The next regular meeting of the Commission will be held May 20, 2014 in Pierre.

There being no further business, motion by Nelson, seconded by Bonde, to adjourn at 10:47 a.m. Motion carried by roll call vote.

Mark Wahlstrom, Chairman

Melissa Miller, Executive Director