

SOUTH DAKOTA REAL ESTATE COMMISSION
MAY 6 & 7, 2009
HOLIDAY INN EXPRESS
110 EAST STANLEY
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:00 p.m. on May 6, 2009 in Conference Room B of the Holiday Inn Express, Fort Pierre, South Dakota. Present for the meeting were Chairman Eileen Fischer and commission members Dennis Eischach, Brian Jackson, Charles Larkin and Paula Lewis. Also present were legal counsel Lindsey Riter-Rapp and Robert Riter, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling and compliance officers Michelle Metzinger and Angela Hagena.

Motion made and seconded to approve the minutes of the March 17 & 18, 2009 meeting. Motion carried.

Motion made and seconded to accept the financial report for March 2009. Motion carried.

The executive director informed the commission that the SD Auctioneers Convention will be held June 11-13, 2009 in Mitchell and she has been asked to speak to the attendees. The executive director indicated that compliance officer Michelle Metzinger would like to attend the convention also.

The executive director and commission member Paula Lewis gave updates on the 2009 ARELLO Mid-Year Meeting that they attended in Asheville, NC.

The executive director informed the commission that the contract with AMP is up for renewal. Motion made and seconded for the executive director to sign the contract with AMP. Motion carried.

Hearing Examiner Hillary Brady at 1:30 p.m. convened the formal hearing on complaint #2009-015, SDREC vs. David Tingle. Present for the hearing in addition to the members of the commission were legal counsel Lindsey Riter-Rapp and Robert Riter, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, compliance officers Michelle Metzinger and Angela Hagena, court reporter Lori Grode and defendant David Tingle. The hearing closed at 2:35 p.m.

Hearing Examiner Hillary Brady at 2:45 p.m. convened the formal hearing on complaint #2009-014, SDREC vs. David Graham. Present for the hearing in addition to the members of the commission were legal counsel Lindsey Riter-Rapp and Robert Riter, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, compliance officer Angela Hagena, education program administrator Karen Callahan, court reporter Lori Grode and defendant David Graham. The hearing closed at 3:37 p.m.

The public rules hearing was called to order by Chairman Fischer at 4:00 p.m. The hearing adjourned at 4:25 p.m.

The commission reviewed the request for an experience waiver. Motion made and seconded to approve the experience waiver of Karri Swenson. Motion carried.

May minutes, page 2

Education program administrator Karen Callahan gave an update on the Caravan that was held in April. Karen informed the commission that she is working on the Fall Caravan which will be on agency and short sales.

Licensing program administrator Norma Schilling informed the commission that the FBI has approved the law for the criminal background checks and that the commission office has received a supply of FBI finger print cards. The commission office is now waiting for a supply of DCI fingerprint cards and additional information from DCI for conducting the criminal background checks.

The executive director informed the commission that the commission office had just received a call from attorney William Janklow, who is acting as a consultant for Jeff Iverson, requesting a 30 day continuance for Mr. Iverson so he can find an attorney. Motion made and seconded to approve the request for a continuance until the June meeting. Motion carried.

Michelle Kleven left the meeting at 4:55 p.m.

Legal counsel Lindsey Riter-Rapp left at 5:00 p.m.

The meeting recessed at 5:15 p.m. and reconvened at 8:30 a.m. on May 7, 2009.

The June commission meeting was changed to June 15 & 16, 2009.

In lieu of a formal hearing on complaint #2009-011, SDREC vs. Bradeen RE & Auction, Inc. & The Real Estate Center of Custer/Bradeen, Jim Seward and Scott Odenbach, attorneys for Ronald Bradeen, offered a Stipulation and Assurance of Voluntary Compliance.

Motion made and seconded to enter into executive session at 9:20 a.m. to review the Stipulation and Assurance of Voluntary Compliance. Motion carried.

Motion made and seconded to come out of executive session at 9:45 p.m. Motion carried.

Motion made and seconded to offer to enter into a Stipulation and Assurance of Voluntary Compliance with Ronald Bradeen to the reimbursement of all costs within 30 days upon receipt of an invoice, pay a fine of \$50 within 30 days of acceptance, successfully complete the 15 hour responsible broker course within 1 year and no like violation for 1 year. The Commission's publicity policy will also apply. If licensee fails to comply with the Stipulation and Assurance of Voluntary Compliance then it is an admission of license law violation. Motion carried. Mr. Bradeen accepted the offer of the Stipulation of Voluntary Compliance.

Michelle Metzinger and Angela Hagena left the meeting at 10:20 a.m.

Following discussion, motion made and seconded to close complaint #2009-013 as the licensee's license had been revoked as a result of a prior complaint. Motion carried.

Following discussion, motion made and seconded to dismiss complaint #2009-017 with a letter of admonishment to the licensee. Motion carried.

May minutes, page 3

Legal counsel left the meeting at 11:05 a.m.

Motion made and seconded to enter into executive session at 11:25 a.m. Motion carried.

Motion made and seconded to come out of executive session at 12:05 p.m. Motion carried.

Commission member Charles Larkin excused himself for the remainder of the meeting at 12:05 p.m.

The meeting recessed at 12:06 p.m. and reconvened at 3:20 p.m.

Legal counsel Lindsey Riter-Rapp briefed the commission on information she had obtained regarding California penal code.

Following discussion, motion made and seconded to deny the application for conditional approval of Lamar Stewart. Motion carried.

The next meeting of the commission will be held June 15 & 16, 2009 in Pierre.

There being no further business, motion made and seconded to adjourn at 3:40 p.m. Motion carried.

Eileen Fischer, 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 May 6 & 7, 2009.

Dee Jones Noordermeer, Executive Director