

SOUTH DAKOTA REAL ESTATE COMMISSION
JUNE 20 & 21, 2007
GOVERNOR'S INN
700 WEST SIOUX AVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:30 a.m. on June 20, 2007 in the Kneip Room of the Governor's Inn, Pierre, SD. Present for the meeting were Chairman Brian Jackson and commission members Dennis Eisnach, Eileen Fischer, Charles Larkin and Paula Lewis. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer and staff specialist Norma Schilling.

Motion by Larkin, second by Eisnach, to approve the minutes of the May 9 & 10, 2007 meeting. Motion carried.

Motion by Larkin, second by Lewis, to accept the May 2007 financial report. Motion carried.

Motion by Eisnach, second by Fischer, to adopt the FY 2008 proposed budget. Motion carried.

Hearing Officer Rob Anderson at 9:00 a.m. convened the formal hearing on complaint #2007-020, SDREC vs. McCann/Van Nuys/Smith. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, staff specialist Norma Schilling, court reporter Carla Bachand, Wade Reimers attorney for defendant Kenneth Smith, Mark Moreno attorney for defendants Dan McCann and Janet Van Nuys, Larry Fabrey and Karen Callahan. Witnesses for the hearing were Karen Callahan, Dee Jones Noordermeer, Larry Fabrey, Dan McCann, Janet Van Nuys and Kenneth Smith. The hearing recessed for lunch at 12:15 p.m. and reconvened at 1:00 p.m. The hearing closed at 2:20 p.m.

Chairman Brian Jackson at 2:40 p.m. convened the formal hearing on complaint #2007-023, SDREC vs. Brian DeNeiu. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, staff specialist Norma Schilling and court reporter Carla Bachand. Defendant Brian DeNeiu failed to appear for the hearing. Motion by Eisnach, second by Larkin, to continue the summary suspension of Brian DeNeiu's license pending the final decision of the courts. Motion carried. The hearing closed at 2:50 p.m.

Chairman Brian Jackson at 2:55 p.m. convened the application appeal of Nicolette Morris. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, staff specialist Norma Schilling, court reporter Carla Bachand and applicant Nicolette Morris. The hearing closed at 3:05 p.m.

Motion by Larkin, second by Eisnach, to enter into executive session at 3:07 p.m. Motion carried.

Motion by Larkin, second by Eisnach, to come out of executive session at 3:10 p.m. Motion carried.

Motion by Larkin, second by Eisnach, to approve the application of Nicolette Morris. Motion carried.

Chairman Brian Jackson, at 3:15 p.m. convened the application appeal of Steven Charlson. Present for the hearing in addition to the members of the commission were legal counsel June minutes, page 2

Jim Robbennolt, executive director Dee Jones Noordermeer, staff specialist Norma Schilling, court reporter Carla Bachand and applicant Steven Charlson. The hearing closed at 3:25 p.m.

Motion by Larkin, second by Eisnach, to enter into executive session at 3:27 p.m. Motion carried.

Motion by Lewis, second by Fischer, to come out of executive session at 3:30 p.m. Motion carried.

Motion by Larkin, second by Lewis, to approve the application of Steven Charlson. Motion carried.

Alex Trusov appeared before the commission to request a waiver of the experience requirement to obtain a responsible broker's license to open his own office. Mr. Trusov left the meeting at 4:02 p.m.

Legal counsel informed the commission that a stipulation of summary suspension had been filed on Doug Andrews and Clayton Sonnenschein. Motion by Fischer, second by Eisnach, to approve the stipulation of summary suspension on Doug Andrews and Clayton Sonnenschein. Motion carried.

Motion by Eisnach, second by Larkin, to enter into executive session at 4:10 p.m. to review complaints. Motion carried.

Motion by Eisnach, second by Lewis, to come out of executive session at 4:28 p.m. Motion carried.

Complaint #2007-013, Mandalay Homes, LLC vs. Maria Sieck/Rushmore School of Real Estate. Motion by Lewis, second by Larkin, to dismiss the complaint. Motion carried.

Complaint #2007-021, Kupstas vs. Bradeen Real Estate & Auction & The Real Estate Center of Custer/Bradeen/Storm. Motion by Larkin, second by Lewis, to dismiss the complaint and have the executive director write a letter to the licensees on how they transact future business. Motion carried.

Motion by Eisnach, second by Lewis, to grant the experience waiver to Alex Trusov. Substitute motion by Larkin, second by Fischer, to table the decision until Thursday, June 21, 2007 to allow time to obtain further information on Mr. Trusov's request. Motion carried.

The commission reviewed the Proposed Findings of Fact, Conclusions of Law and Decision on Raben Real Estate, Inc./Raben/Randolph. Commission member Paula Lewis recused herself from the final decision. Motion by Eisnach, second by Larkin, to amend the decision of hearing office Leo Disburg to defendants Nancy Randolph and Velma Raben each pay a penalty of \$250, each pay half of the costs and each complete 6 hours of continuing education in contracts

and 6 hours in agency with penalty and costs to be paid within 10 days of receipt of order and education to be completed within one year. Motion carried.

The executive director informed the commission that the Real Estate Commission will be under Legislative Sunset Review on July 17, 2007.

The executive director informed the commission that she is forming a committee to update current forms and that she has asked for a representative from each of the local boards to be on the committee.

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The meeting recessed at 5:10 p.m. and reconvened at 8:30 a.m. on June 21, 2007.

Motion by Fischer, second by Eisnach, to enter into executive session at 8:32 a.m. to discuss personnel issues. Motion carried.

Motion by Eisnach, second by Larkin, to come out of executive session at 9:25 a.m. Motion carried.

Motion by Eisnach, second by Lewis, to remove previous motion to table the decision on Alex Trusov. Motion carried.

Motion by Fischer, second by Larkin, to grant the request of Alex Trusov for an experience waiver. Motion carried.

Election of officers was held with a motion from Larkin, second by Fischer, to nominate Brian Jackson for Chairman. Motion carried. Motion by Larkin, second by Eisnach, to nominate Eileen Fischer as Vice Chairperson. Motion carried. Jackson was nominated as Chairman and Fischer as Vice Chairperson.

Future meeting dates of October 3 & 4, 2007 and November 28 & 29, 2007 were set.

The next meeting of the commission will be held August 15 & 16, 2007 in Pierre.

There being no further business, Larkin moved, seconded by Lewis, to adjourn at 9:50 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 June 20 & 21, 2007.

Dee Jones Noordermeer, Executive Director