

SOUTH DAKOTA REAL ESTATE COMMISSION
TELEPHONIC MEETING
JULY 23, 2010
221 WEST CAPITOL AVE STE 101
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened telephonically at 10:00 a.m. on July 23, 2010. Present for the meeting were Chairman Dennis Eisnach and commission members Brian Jackson, Charles Larkin and Paula Lewis. Commission member Eileen Fischer was not present for the meeting. Also present were legal counsel Robert Riter, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, Martin Jurisch and his attorney John Nooney.

The commission discussed the proposed Stipulation and Assurance of Voluntary Compliance with John Nooney and Martin Jurisch. Following discussion, motion made and seconded to enter into executive session at 10:30 a.m. for further discussion on the Stipulation and Assurance of Voluntary Compliance. Motion carried. John Nooney and Martin Jurisch left the telephonic conference.

Motion made and seconded to come out of executive session at 10:35 a.m. Motion carried.

Motion made and seconded to offer to enter into a Stipulation and Assurance of Voluntary Compliance with Martin Jurisch to the following: (1) That Martin Jurisch shall pay all costs incurred by the Commission in this proceeding within 30 days after the invoice for costs is provided to his counsel; (2) Martin Jurisch shall not hereafter use the phrase "absolute auction" unless such auction is an auction "without reserve or qualifying conditions" as reflected in ARSD 20:69:06:07, or as hereafter amended or qualified; (3) Martin Jurisch will reimburse the Complainant for travel expenses associated with his trip to Martin, SD for the auction of February 10, 2010, as well as reasonable compensation for his time in attendance at the auction. The reasonableness of the compensation requested by the complainant to be paid by Mr. Jurisch shall be determined by Commission staff. Reimbursement of those expenses shall occur within 30 days after determination of those reasonable costs is made by Commission staff; (4) Martin Jurisch will sponsor, pay for and make arrangements for a continuing education program relevant to this proceeding, and particularly the obligations of an auctioneer on an absolute auction or an auction without reserve. The hours and program shall be determined upon advisement with Commission staff and upon approval of Commission staff. The program will be held within 12 months of this Stipulation. The educational program shall be open to the public and shall include a mailing to provide notice thereof to any interested parties. The costs for presentation of such continuing education program shall be paid by Martin Jurisch in an amount as shall be determined reasonable and appropriate by Commission staff; (5) The Parties agree that the Commission's publicity policy will apply in this matter and that the result will be carried in the newsletter of the Commission stating the Defendant's name and the sections of the Code or rules claimed to be involved, as well as the agreement of the parties; and (6) Martin Jurisch further acknowledges that under ARSD 20:69:05:04, proof of failure to comply with the Assurance of Voluntary Compliance is prima facie evidence of a violation of this Chapter. Motion carried.

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There being no further business, motion made and seconded to adjourn at 10:45 a.m. Motion carried.

Dennis Eisnach, 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 telephonic meeting held on July 23, 2010.

Dee Jones Noordermeer, Executive Director