

SOUTH DAKOTA REAL ESTATE COMMISSION
SPECIAL TELEPHONIC MEETING
AUGUST 12, 2014
221 WEST CAPITOL AVE, STE 101
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened telephonically at 1:00 p.m. on August 12, 2014. 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 Bonde, to approve the agenda as presented. Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Wordeman, to accept the consent agreement in Complaint 2014-011 with John Fischer to the following:

- a. Mr. Fischer shall pay an administrative fine in the amount of \$2,500.00 to the Commission by December 31, 2014;
- b. Mr. Fischer shall pay for, attend and successfully complete the Commission approved 15 hour Responsible Broker course in an in-classroom setting. Mr. Fischer shall submit written proof of completing the required education by December 31, 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 Mr. Fischer's continuing education requirement for maintaining his license and cannot be completed at the South Dakota School of Real estate; and
- c. Mr. Fischer shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 1. Agency – 6 hours;
 2. Contracts – 6 hours; andMr. Fischer shall submit written proof of completing the required education by December 31, 2014. The required course work will not count toward Mr. Fischer's continuing education requirement for maintaining his license and cannot be completed at the South Dakota School of Real Estate.
- d. Mr. Fischer agrees that if Mr. Fischer fails to comply with sections 19(a), 19(b), or 19(c) of this Consent Agreement, then Mr. Fischer's license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply.

Motion carried by roll call vote.

Motion by Lewis, seconded by Bonde, to accept the consent agreements in Complaint 2014-066 with Denice Hooth and Jayson Maguire to the following:

Denice Hooth:

- a. Ms. Hooth shall pay an administrative fine in the amount of \$100.00 to the Commission by September 30, 2014; and
- b. Ms. Hooth shall pay for, attend, and successfully complete the following Commission

approved education courses in an in-classroom setting:

1. Law – 6 hours;

Ms. Hooth shall submit written proof of completing the required education by September 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. Hooth’s continuing education requirement for maintaining her license.

Jayson Maguire:

- a. Mr. Maguire shall pay an administrative fine in the amount of \$100.00 to the Commission by September 30, 2014; and

- b. Mr. Maguire shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:

1. Law – 6 hours;

Mr. Maguire shall submit written proof of completing the required education by September 30, 2014. The required course work will not count toward Mr. Maguire’s continuing education requirement for maintaining his license.

- c. Mr. Maguire agrees that if Mr. Maguire fails to comply with sections 7(a) and &(b) of this Consent Agreement, then Mr. Maguire’s license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply.

Motion carried by roll call vote.

Motion by Bonde, seconded by Wahlstrom, to accept the consent agreements in complaint 2014-069 with Paula Pearson, Vicki Johns and Jeffrey Lechner to the following:

Paula Pearson:

- a. Ms. Pearson shall pay an administrative fine in the amount of \$500.00 to the Commission by November 30, 2014; and

- b. Ms. Pearson shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:

1. Law – 3 hours; and
2. Agency – 3 hours

Ms. Pearson 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. Pearson’s continuing education requirement for maintain her license.

- c. Ms. Pearson agrees that if Ms. Pearson fails to comply with sections 12(a) and 12(b) of this Consent Agreement, then Ms. Pearson’s license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply.

Vicki Johns:

- a. Ms. Johns shall pay an administrative fine in the amount of \$500.00 to the Commission by November 30, 2014; and

- b. Ms. Johns shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:

1. Contracts – 6 hours.

Ms. Johns shall submit written proof of completing the required education by November 30, 2014. 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 toward Ms. Johns' continuing education requirement for maintain her license.

- c. Ms. Johns agrees that if Ms. Johns fails to comply with sections 12(a) and 12(b) of this Consent Agreement, then Ms. Johns' license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply.

Jeffrey Lechner:

- a. Mr. Lechner shall pay an administrative fine in the amount of \$500.00 to the Commission by November 30, 2014; and
- b. Mr. Lechner shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 - 1. Law – 3 hours; and
 - 2. Agency – 3 hours.

Mr. Lechner shall submit written proof of completing the required education by November 30, 2014. The required course work will not count toward Mr. Lechner's continuing education requirement for maintain his license.

- c. Mr. Lechner agrees that if Mr. Lechner fails to comply with sections 7(a) and 7(b) of this Consent Agreement, then Mr. Lechner's license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply.

Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Lewis, to issue a notice of hearing to Matt Larson for the complaints he is involved in. Motion carried by roll call vote.

Motion by Wordeman, seconded by Bonde, to accept the consent agreement in Complaint 2014-082 with Richard Shelton to the following:

- a. Mr. Shelton shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 - 1. Law – 3 hours; and
 - 2. Contracts – 3 hours

Mr. Shelton shall submit written proof of completing the required education by December 31, 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 Mr. Shelton's continuing education requirement for maintaining his license.

- b. Mr. Shelton agrees that if Mr. Shelton fails to comply with sections 11(a) of this Consent Agreement, then Mr. Shelton's license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply.

Motion carried by roll call vote.

Discussion was held on Complaint 2014-003. Motion by Wahlstrom, seconded by Lewis, to table to the next meeting. Motion carried by roll call vote.

There being no further business, motion by Wahlstrom, seconded by Bonde, to adjourn at 1:35 p.m.
Motion carried by roll call vote.

Minutes submitted by Norma Schilling

Matt Krogman, Chairman

Melissa Miller, Executive Director