

SOUTH DAKOTA REAL ESTATE COMMISSION  
AUGUST 15 & 16, 2007  
HOLIDAY INN EXPRESS  
110 EAST STANLEY ROAD  
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:00 p.m. on August 15, 2007 in Conference Room A of the Holiday Inn Express, Fort 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 licensing program administrator Norma Schilling.

Motion by Larkin, second by Eisnach, to approve the minutes of the June 20<sup>th</sup> & 21<sup>st</sup>, 2007 meeting. Motion carried.

Motion by Larkin, second by Eisnach, to accept the June 2007 financial report. Motion carried.

The commission reviewed the FY 2007 annual report.

Robert Jamison appeared before the commission with a request for an experience waiver since he has previously held a broker's license. Following discussion, Eisnach moved, seconded by Larkin, to approve the request for an experience waiver. Motion carried. Motion by Lewis, second by Larkin, to allow Mr. Jamison to open an office before he has completed the responsible broker course which he will take at the next available offering. Motion carried.

Hearing Officer Julie Johnson at 1:30 p.m. convened the formal hearing on complaint #2007-022, SDREC vs. Donahue/Donahue/Hughes/Wood/United Country-Western Properties, Inc. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, court reporter Carla Bachand, defendants Patrick and Jeanne Donahue and their attorney Tom Maher and defendant Jeb Hughes and his attorney Neil Fulton. The hearing closed at 1:55 p.m.

Motion by Eisnach, second by Larkin, to enter into executive session at 2:00 p.m. Motion carried.

Motion by Eisnach, second by Lewis, to come out of executive session at 2:25 p.m. Motion carried.

Motion by Eisnach, second by Larkin, to dismiss the complaint against Jessica Wood. Motion carried.

Discussion was held on the Proposed Findings of Fact, Conclusions of Law and Decision on Dan McCann, Janet Van Nuys and Kenneth Smith. Following discussion, Eisnach moved, seconded by Larkin, to amend the hearing officer's decision on Dan McCann and Janet Van Nuys to each pay a fine of \$500 and one fourth of the costs of the hearing. Motion by Fischer, second by Eisnach, to amend hearing officer's decision on Kenneth Smith to pay a fine of \$500, one half of the costs of the hearing and complete a 3 hours ethics course and pass the course exam. Both motions carried.

Motion by Larkin, second by Eisnach, to enter into executive session at 3:25 p.m. to review complaints. Motion carried.

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Motion by Eisnach, second by Larkin, to come out of executive session at 3:27 p.m. Motion carried.

Complaint #2007-028, Everson vs. Exit Realty Connection/Maguire/Laframboise. Motion by Eisnach, second by Lewis, to dismiss the complaint. Motion carried with commission member Larkin recusing himself.

Discussion was held on the Executive Director's upcoming meeting with the Government Operations & Audit Committee.

The meeting recessed at 4:40 p.m. and reconvened at 8:30 a.m. on August 16, 2007.

The commission continued discussion on the upcoming meeting with the Government Operations & Audit Committee.

The executive director updated the commission on her meeting with the Legislative Sunset Review Committee.

Commission members Larkin and Lewis briefed the commission on the ARELLO District 2 & 3 Conference in New Orleans.

The executive director briefed the commission on the ARELLO Investigator Workshop in Orlando.

The executive director informed the commission that a formal complaint had been filed against Steven Folk for failure to comply with the orders from previous hearings.

The executive director informed the commission that Darrel Leamy has filed an appeal on the commission's decision.

The executive director informed the commission that the Instructor Development/Course Development Workshop was a success and that the Real Estate Commission will be conducting instructor workshops annually.

The executive director informed the commission that she had received the bids for the E & O insurance for 2008. The commission instructed the executive director to have the Division of Insurance review the two Proposals received for any hidden caveats. The commission instructed the executive director to award the bid following review from the Division of Insurance.

The next meeting of the commission will be held October 3 & 4, 2007 in Pierre.

There being no further business, Larkin moved, seconded by Fischer, to adjourn at 9:40 a.m. Motion carried.

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Brian Jackson, Chairman

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Dee Jones Noordermeer, Executive Director

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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 August 15 & 16, 2007.

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Dee Jones Noordermeer, Executive Director