

SOUTH DAKOTA REAL ESTATE COMMISSION
SEPTEMBER 12, 2013
BEST WESTERN RAMKOTA HOTEL
2111 N LACROSSE ST
RAPID CITY, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:33 a.m. on September 12, 2013. Present for the meeting were Chairman Mark Wahlstrom and commission members David Bonde, Matt Krogman and Paula Lewis. Commission member Douglas Nelson was absent for the meeting. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling and Department of Labor and Regulation legal counsel Aaron Arnold.

Motion by Bonde, seconded by Lewis, to amend the agenda to move items 7, 8, 9 & 10 above item 5. Motion carried.

Motion by Bonde, seconded by Lewis, to approve the minutes of the July 18, 2013 meeting. Motion carried.

Motion by Krogman, seconded by Wahlstrom, to approve the minutes of the August 19, 2013 meeting. Motion carried.

Motion by Krogman, seconded by Bonde, to accept the financial reports for July & August 2013. Motion carried.

Executive director Patricia Jergenson and commission members Jerry Youngberg, Diane Louser and Roger Cymbaluk from the North Dakota Real Estate Commission joined the meeting at 8:38 a.m.

Legal counsel Aaron Arnold and executive director Melissa Miller informed the Commission that they had met with representatives from the Division of Motor Vehicles to discuss legislation on mobile homes. Following discussion, it was decided to not proceed with legislation and to move to more education to the licensees on the selling of mobile homes.

Executive director Melissa Miller asked for input from the Commission as to whether agents in their offices read the appraiser information in the newsletter. The broker commission members were asked to check with agents in their office to see if they read the appraiser section.

Michelle Kleven, executive vice president of the South Dakota Association of REALTORS, joined the meeting at 8:53 a.m.

Education director Karen Callahan joined the meeting at 8:58 a.m.

Discussion was held on the current issues the commission office is having with the post-licensing education requirements. Michelle Kleven, executive vice president of the South Dakota Association of REALTORS, briefed the commission on the recommendations of the Association of REALTORS task force and education committee for post-licensing education. Education director Karen Callahan indicated pros and cons for the recommendations. Following discussion, motion by Bonde, seconded by Lewis, to work on legislation for post-licensing education with a completion date of July 1, 2014 for the legislation. Motion carried.

Education director Karen Callahan left the meeting at 9:47 a.m.

Compliance officer Brian Jackson joined the meeting telephonically at 9:48 a.m.

Compliance officer Brian Jackson updated the commission on the residential brokerage forms he has been working on. Following discussion, it was decided that another task force meeting should be held to work on the forms. The commission will wait for further input before a decision is made on the forms.

The North Dakota Real Estate Commission attendees and Michelle Kleven of the South Dakota Association of REALTORS left the meeting in 10:06 a.m.

Motion by Krogman, seconded by Bonde, to enter into executive session at 10:13 a.m. pursuant to SDCL 1-25-2(3). Motion carried.

The Commission reconvened to regular session at 11:55 a.m.

Motion by Krogman, seconded by Lewis, to approve the application for conditional approval of Christopher Puckett. Motion carried.

Motion by Bonde, seconded by Lewis, to deny the application for conditional approval of Jed Rahfaldt. Motion carried.

Motion by Krogman, seconded by Lewis, to dismiss complaint 2013-067 with a letter to the agent, responsible broker and designated broker involved. Motion carried.

Motion by Krogman, seconded by Bonde, to dismiss the complaint on the co-listing agent with a letter from the executive director and have legal counsel negotiate a settlement agreement with the agent and responsible broker in complaint 2013-069. Motion carried.

Motion by Lewis, seconded by Bonde, to have legal counsel negotiate a stipulation and assurance of voluntary compliance with the agent and the responsible broker in complaint 2014-001. Motion carried.

Following discussion on home inspector statutes for grounds for disciplinary action, legal counsel will draft proposed legislation to include as to whether the licensee has been convicted of a felony or of a misdemeanor involving moral turpitude.

The executive director made an announcement to the commission that Department of Labor and Regulation Secretary Pamela Roberts is retiring October 10, 2013. The executive director will write a letter to Secretary Pamela Roberts on behalf of the Commission.

The Executive Director informed the Commission that the hearing dates of November 6 & 7 will not work for the attorneys in complaint 2013-001 and asked if November 14 & 15 would work for the Commission. The Commission approved November 14 & 15 for the next meeting.

The next regular meeting of the Commission will be held November 14 & 15, 2013 in Pierre.

There being no further business, motion by Lewis, seconded by Bonde, to adjourn at 12:24 p.m. Motion carried.

Minutes submitted by Norma Schilling

Mark Wahlstrom, Chairman

Melissa Miller, Executive Director