

SOUTH DAKOTA REAL ESTATE COMMISSION
OCTOBER 3 & 4, 2007
CAPITOL LAKE PLAZA
711 EAST WELLS AVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1 p.m. on October 3, 2007 in Conference Room 240 of the Capitol Lake Plaza, Pierre, SD. Present for the meeting were Vice Chairman Eileen Fischer and commission members Charles Larkin and Paula Lewis. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer and licensing program administrator Norma Schilling. Chairman Brian Jackson was absent for the meeting on October 3, 2007 and commission member Dennis Eisnach was absent for the entire meeting. Michelle Kleven, Executive Vice President of the South Dakota Association of REALTORS was in attendance at the meeting.

Motion made and seconded to approve the minutes of the August 15 & 16, 2007 meeting. Motion carried.

Motion made and seconded to accept the financial reports for July and August 2007. Motion carried.

Discussion was held on a letter of request for additional information from the Government Operations & Audit Committee. The commission reviewed the letter of response drafted by the executive director and approved the letter with revisions.

Beth Jorgensen appeared telephonically on her request for a conditional approval. Following discussion, motion made and seconded to deny the condition approval due to her current unpaid judgments and tax liens. Motion carried.

The executive director informed the commission that a forms task force committee has been formed and they are looking at dates and locations to hold a meeting.

Michelle Kleven left the meeting at 3:22 p.m.

The commission reviewed the conditional application approval of Kelvin Lawrence. Following a telephone conference with Al Arndt, attorney for Mr. Lawrence, and further discussion, a motion was made and seconded to deny the conditional application approval of Kelvin Lawrence. Motion carried.

Legal counsel Jim Robbennolt convened the application appeal of Kenneth Hamilton at 3:40 p.m. Present for the hearing in addition to the members of the commission were executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, court reporter Carla Bachand and applicant Kenneth Hamilton. The hearing closed at 4:05 p.m.

Motion made and seconded to enter into executive session at 4:09 p.m. Motion carried.

Motion made and seconded to come out of executive session at 4:20 p.m. Motion carried.

Motion made and seconded to deny the application of Kenneth Hamilton due to current judgments and license revocation in another state. Motion carried.

Discussion was held on the signing of closing statements. The commission agreed that broker associates can sign closing statements if allowed in the office policy.

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Discussion was held on the certification of licensures from Minnesota that new applicants from Minnesota include with their applications. The commission instructed office staff to accept the certifications that the applicants download from the Minnesota Department of Commerce website.

The executive director informed the commission that she had received information on hiring a summer intern and wanted commission input on the possibility of hiring an intern. Motion and second to participate in the intern program. Motion carried.

The meeting recessed at 5:05 p.m. and reconvened at 8:30 a.m. on October 4, 2007 with Chairman Jackson in attendance.

The executive director and commission members Paula Lewis and Charles Larkin gave updates on the Annual ARELLO Conference held in New York October 14-17, 2007. All reported the conference to be very informational.

Discussion was held on Tenants In Common. The executive director and commission members Paula Lewis and Charles Larkin will meet with Gail Sheppick, Director of the Division of Securities, before the next commission meeting to see how the Division of Securities views Tenants in Common in South Dakota.

Motion and second to enter into executive session at 9:43 a.m. to review complaints. Motion carried.

Motion and second to come out of executive session at 10 a.m. Motion carried.

Complaint #2008-001, Stinton vs. Century 21 Dakota Belle, Inc./Bisgaard/Freese. Motion and second to dismiss the complaint. Motion carried.

Complaint #2008-002, DuBois vs. Viereck Commercial Real Estate, LLC/Viereck. Motion and second to dismiss the complaint. Motion carried.

Complaint #2008-003, Schley vs. Woodford Realty/Woodford. Motion and second to dismiss the complaint and have the executive director write a letter to the licensee regarding office procedures and suggest continuing education courses that would help her in following procedure. Motion carried.

A telephonic conference was held with Robert Van Norman, attorney for Doug Andrews, on the motion to rescind summary suspension. Following telephonic conference, motion made and seconded to reinstate the license of Doug Andrews to an active status upon a written request from a responsible broker to activate his license. Motion carried.

The executive director informed the commission on the NALLOA Winter Seminar to be held in Bloomington, IN December 9-11, 2007. Motion and second to request the approval of two to attend the seminar. Motion carried.

Commission member Fischer left the meeting at 10:55 a.m.

Discussion was held on the Proposed Decision, Findings of Fact & Conclusions of Law on Donahue/Donahue/Hughes/United Country/Western Properties with commission member Fischer having recused herself from and participation. Motion and second to amend the decision of Hearing Office Julie Johnson to suspend the license of Patrick Donahue and United Country/Western Properties for one year and that Mr. Donahue pay a monetary penalty of \$2,500 and all costs of the hearing with all costs and monetary penalty to be paid within 30 days of order. If monetary penalty and costs have not been paid following

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the one year suspension, Mr. Donahue's license cannot be activated; to suspend the license of Jeb Hughes and require Mr. Hughes to complete the 100 hour prelicensing course in South Dakota and pass the broker exam, following completion of the course and passing the exam, Mr. Hughes' license can be activated upon written request from a South Dakota broker; to suspend the license of Jeanne Donahue and require Mrs. Donahue to take the 40 hour broker course in South Dakota and sit for the broker exam should she decide to activate her license. Motion carried.

The next meeting of the commission will be held November 28 & 29, 2007 in Pierre.

There being no further business, motion made and seconded, to adjourn at 11:40 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 October 3 & 4, 2007.

Dee Jones Noordermeer, Executive Director