

SOUTH DAKOTA REAL ESTATE COMMISSION
OCTOBER 6 & 7, 2010
HOLIDAY INN EXPRESS
110 EAST STANLEY
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:35 a.m. on October 6, 2010 in Conference Room A of the Holiday Inn Express, Fort Pierre, SD. Present for the meeting were Chairman Paula Lewis and commission members Brian Jackson and Charles Larkin. Commission members Dennis Eismach and Eileen Fischer were not present for the meeting. Also present were legal counsel Lindsey Riter-Rapp, executive director Dee Jones Noordermeer and licensing program administrator Norma Schilling.

Motion made and seconded to approve the minutes of the August 18 & 19, 2010 meeting. Motion carried.

Motion made and seconded to accept the financial report for August 2010. Motion carried.

Motion made and seconded to enter into executive session at 8:45 a.m. to review complaints. Motion carried.

Motion made and seconded to come out of executive session at 9:47 a.m. Motion carried.

Complaint #2010-021, motion made and seconded to hold an informal consultation. Motion carried.

Complaint #2010-023, motion made and seconded to dismiss the complaint. Motion carried.

Complaint #2011-001, motion made and seconded to dismiss the complaint. Motion carried.

Hearing Officer Hillary Brady at 10:00 a.m. convened the formal hearing on complaint #2010-022, SDREC vs. Adolph Hepper. Present for the hearing in addition to the commission members were legal counsel Lindsey Riter-Rapp, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, court reporter Cheri Wittler and defendant Adolph Hepper. The hearing recessed at 10:35 a.m.

Motion made and seconded to enter into executive session at 10:36 a.m. to discuss formal hearing and possible commission complaints. Motion carried

Motion made and seconded to come out of executive session at 11:52.a.m. Motion carried.

Motion made and seconded to file a formal complaint against Dean Gulbranson for conducting real estate activity with an inactive license and move to a formal hearing. Motion carried.

Motion made and seconded to have the compliance officer further investigate the matter of a licensee who has pled guilty to a felony. Motion carried.

The Commission recessed for lunch at 11:55 a.m. and reconvened at 1:05 p.m.

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Discussion was held on higher limits of errors and omissions insurance for firms.

The executive director informed the Commission of the ARELLO Leadership Symposium and Board of Directors Meeting to be held January 4-7, 2011 in Scottsdale, AZ. Motion made and seconded to have the executive director submit a request for the executive director and two Commission members to attend. Motion carried.

Hearing Examiner Hillary Brady at 1:30 p.m. convened the formal hearing on complaint #2011-003, SDREC vs. Raymond Heyer. Present for the hearing in addition to the Commission members were legal counsel Lindsey Riter-Rapp, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, court reporter Cheri Wittler, defendant Raymond Heyer, Scott Dougherty and witnesses Gary Walz, Sr., Gary Walz, Jr. and Ben Parks. The hearing closed at 4:05 p.m.

Motion made and seconded to enter into executive session at 4:20 p.m. for an application appeal. Motion carried.

Motion made and seconded to come out of executive session at 4:55 p.m. Motion carried.

Motion made and seconded to grant a broker associate license to Rosalie Evans. Motion carried.

Discussion was held on legislation.

The meeting recessed at 5:20 p.m. and reconvened at 8:10 a.m. on October 7, 2010.

Commission member Charles Larkin gave an update on the REALTORS Convention of the Dakotas and Commission member Paula Lewis and executive director Dee Jones Noordermeer gave an update on the ARELLO Annual Conference.

The meeting recessed at 8:25 a.m. for the public hearing to adopt rules with Commission member Eileen Fischer in attendance.

The meeting reconvened at 9:32 a.m. for a telephonic conference with Commission member Dennis Eismach appearing telephonically to review the Findings of Fact, Conclusions of Law and Proposed Decision on Cheri St. Pierre and Jerad Rokusek.

Motion made and seconded to enter into executive session at 9:45 a.m. to review the Findings of Fact, Conclusions of Law and Proposed Decisions. Motion carried.

Motion made and seconded to come out of executive session at 9:58 a.m. Motion carried.

Motion made and seconded that Cheri St. Pierre's license be suspended for 12 months with the suspension stayed with the condition that she pay a fine of \$1,000 and reimburse the Commission for costs of the complaint within 30 days, complete the 15 hour responsible broker's course and 6 hours of continuing education in contracts within six (6) months if available, and if this is not completed her license will be suspended for 12 months. Motion carried with Commission member Dennis Eismach voting telephonically and Commission members Eileen Fischer and Paula Lewis abstaining from the vote.

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Motion made and seconded to adopt the proposed decision of Hearing Officer Hillary Brady to the revocation of the license of Jerad Rokusek and that he pay a fine of \$1,000 and reimburse the Commission for costs of the complaint. Motion carried with Commission Member Dennis Eismach voting telephonically and Commission member Brian Jackson abstaining from the vote.

The meeting recessed at 10:05 a.m. to reconvene the public hearing to adopt rules.

The meeting reconvened at 11:40 a.m. with Commission member Eileen Fischer absent.

A request was made to include the short sale and multi offer forms on the agenda for the December meeting.

The executive director will give an update on the RFP for online services at the December meeting.

Legal counsel Lindsey Riter-Rapp left the meeting at 11:55 a.m.

Discussion was held on proposed legislation. Motion was made and seconded for the submission of another version of a bill draft in regard to unlicensed individuals engaged in the practice of real estate. Motion carried.

The executive director will research other states regarding their complaint and hearing processes.

The next meeting of the Commission will be held December 1 & 2, 2010 in Pierre.

There being no further business, motion made and seconded to adjourn at 12:20 p.m. Motion carried.

Paula Lewis, Chairperson

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 6 & 7, 2010.

Dee Jones Noordermeer, Executive Director