

REAL ESTATE COMMISSION
MINUTES OF PUBLIC RULES HEARING

OCTOBER 7, 2010

The Real Estate Commission recessed from its regular meeting at 8:25 a.m. on October 7, 2010, in Conference Room A of the Holiday Inn Express located at 110 East Stanley in Fort Pierre, South Dakota, to conduct a public hearing on rules proposed by the Commission.

Chairman Paula Lewis opened the rules hearing at 9:32 a.m.

Members of the commission in attendance in addition to Chairman Lewis were Charles Larkin, Brian Jackson, and Eileen Fischer.

Commission staff in attendance were Dee Jones Noordermeer and Norma Schilling. Commission legal counsel in attendance was Lindsey Riter-Rapp. Others in attendance were Michelle Kleven, Gilbert Hart and Mike Shaw - Pierre, Patricia and Martin Jurisch - New Underwood, Carl and John Schwab - Andover, Val Jark - Aberdeen, Dan Piroutek - Milesville, Dale Nauman and Rich Penfield - Gettysburg, Brad Olson - Lennox, Don Bourk - Blunt, Ken Girard - Wakonda, Kevin McPerson - Rapid City, J.D. Hewitt - Vale, Dawn Luckett - Wessington Springs, Dan Clark - Winner, Jerry Casteel - Sturgis, Chisum Peterson - Chamberlain, Tom Souvignier - Canton, Marlin Fjelland - Clark, Megan and Jackson Heggerfeld - Brookings and Ryan Wieman - Marion.

Dee Jones Noordermeer, Executive Director of the commission announced that written comments from Todd Waring and Chuck Sutton were received in advance of the hearing.

The executive director presented each rule on an individual basis along with revised style and form changes proposed by the Legislative Research Council. The hearing was open for public comment after each rule, as follows:

20:69:03:19 – No public comment received

20:69:05:04 – No public comment received

20:69:06:01. – Mike Shaw, representing the South Dakota Auctioneers Association, suggested changing “Such a” to “Any” in subdivision (1) and adding, “A minimum bid auction is separate and distinct from an absolute auction or an auction with reserve.” The commission and the audience concurred to make these amendments.

The commission recessed at 9:25 and reconvened at 10:10 whereupon the executive director continued to present each rule with public comment, as follows:

- 20:69:06:05 – Mike Shaw, representing the South Dakota Auctioneers Association, expressed the association’s concern of requiring a date of auction in the listing agreement. Individuals Ryan Wieman, Marlin Fjelland, Tom Souvignier, Jerry Casteel, Martin Jurisch, Charles Schwab, Dan Piroutek, Val Jark and by written comment, Chuck Sutton, all expressed the same concerns. The “date of auction” was replaced by, “requirement that the date of auction will be determined by written mutual agreement by seller and auctioneer.” Written comment was received from Todd Waring stating that the seller should choose the type of auction desired.
- 20:69:06:06 – Public comment received from Jackson Hegerfeld, Megan, Hegerfeld, Martin Jurisch, Ryan Wieman, Dan Piroutek, Tom Souvignier, Carle Schwab, Jerry Casteel and Rich Penrod; subsection (7) amended to delete “and amount” and “commission or fee” and to add “published” before “advertising”
- 20:69:06:07 – No public comment received
- 20:69:06:07.01 – Public comment received from Mike Shaw on behalf of the South Dakota Auctioneers Association and Ryan Wieman, for clarification with no changes suggested
- 20:69:06:07.02 – Public comment received from Mike Shaw on behalf of the South Dakota Auctioneers Association, Dan Piroutek, and Ryan Wieman for clarification with no changes suggested
- 20:69:06:07.03 – No public comment received
- 20:69:06:07.04 – Public comment received from Megan Hegerfeld and Jackson Hegerfeld for clarification with no changes suggested
- 20:69:06:08 – No public comment received
- 20:69:06:09 – Mike Shaw on behalf of the South Dakota Auctioneers Association suggested the deletion of subsection (4). Martin Jurisch and by written comment from Chuck Sutton concurred with this suggestion; subsection (4) was removed from the proposed rule
- 20:69:06:10 – No public comment received
- 20:69:11:04 – No public comment received

A motion was made and seconded to adopt the proposed and amended rules, including changes recommended by the Legislative Research Council. Motion carried.

The public hearing was adjourned at 11:30 a.m.

Respectfully,

Dee Jones Noordermeer
Executive Director
Real Estate Commission