

SOUTH DAKOTA REAL ESTATE COMMISSION
OCTOBER 12, 2011
GOVERNOR'S INN
700 WEST SIOUX AVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:30 a.m. on October 12, 2011. Present for the meeting were Chairman Charles Larkin and commission members Dennis Eisnach, Paula Lewis, Douglas Nelson and Mark Wahlstrom. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling, Department of Labor and Regulation legal counsel Aaron Arnold, Department of Labor and Regulation public affairs director Dawn Dovre, Department of Labor and Regulation finance officer Lyle Harter, legal counsel Robert Riter and compliance officer Michelle Metzinger.

Motion made by Wahlstrom, seconded by Nelson to approve the minutes of the August 26 & 31, 2011 and September 15, 2011 meetings. Motion carried.

Motion made by Nelson, seconded by Eisnach to approve the agenda. Motion carried.

Motion made by Nelson, seconded by Wahlstrom to accept the financial reports for August & September 2011. Motion carried.

Motion made by Lewis, seconded by Nelson to accept the 2011 Annual Report with amendments. Motion carried.

Dawn Dovre and Lyle Harter left the meeting at 8:55 a.m.

Motion made by Nelson, seconded by Wahlstrom to enter into executive session. Motion withdrawn.

Legal counsel Robert Riter updated the Commission on the stipulation with Joel Willette. Motion made by Nelson, seconded by Eisnach to have legal counsel continue to negotiate an agreement with the attorney of Joe Willette. Motion carried.

The executive director informed the Commission that Martin Jurisch had signed a consent agreement and order. Motion made by Nelson, seconded by Wahlstrom to accept the consent agreement and order signed by Martin Jurisch to the following:

- A. That the real estate license of Martin Jurisch shall be suspended for two years. That said suspension shall be held in abeyance for two years, during which time Mr. Jurisch must:
 - (1) Attend and successfully complete a fifteen hour responsible broker's course and a six hour contracts course and provide written verification thereof to the

Commission by January 1, 2012. The required course work must be completed in the classroom setting and will not count toward Mr. Jurisch's continuing education requirement for maintaining his license. To avoid any possible conflict of interest, any education requirements ordered by the Commission, may not be taken through the South Dakota School of Real Estate.

- (2) Comply with all laws and regulations relating to this profession under SDCL 36-21A and ARSD 20:69 for the next two years.
 - (3) Pay a penalty to the South Dakota Real Estate Commission in the amount of \$2,500.00 within thirty days from the entry of the approval of this consent agreement and order.
 - (4) Reimburse the Commission for all expenses related to this proceeding in the amount of \$1,739.50; with said payment to be made within thirty days from the entry of the approval of this consent agreement and order.
- B. That should Mr. Jurisch violate any of the above conditions, his license will be immediately suspended for a period of two years and he will forfeit any option for any hearing or appeal of the suspension.

Legal counsel Robert Riter informed the Commission that the matter of Paul Vallette is still in civil court.

Legal counsel Robert Riter informed the Commission that an agreement has not been reached with Gregory Hoftiezer. Motion by Nelson, seconded by Wahlstrom to have legal counsel complete negotiations with the attorney for Gregory Hoftiezer. Motion carried.

Legal counsel Robert Riter updated the Commission on the appeal of Jerad Rokusek.

Legal counsel Robert Riter updated the Commission on the appeal of Cheri St. Pierre.

Michelle Metzinger left the meeting at 10:00 a.m.

Education director Karen Callahan joined the meeting at 10:15 a.m.

Discussion was held on the noncompliance of the Stipulation and Assurance of Voluntary Compliance with Stephanie Dannen. Following discussion, motion was made by Eisnach, seconded by Nelson to have legal counsel Robert Riter enter into negotiations with Stephanie Dannen for noncompliance of the Stipulation and Assurance of Voluntary Compliance. Motion carried.

Legal counsel Robert Riter left the meeting at 10:40 a.m.

A lengthy discussion was held on postlicensing education. Following discussion, the Commission instructed legal counsel Aaron Arnold and education director Karen Callahan to work together on possible changes in the rules and laws pertaining to postlicensing requirements.

Dawn Dovre rejoined the meeting at 11:30 a.m.

Discussion was held on the continuance of the education caravans sponsored by the Commission. Following discussion, the Commission agreed to continue with sponsoring the education caravans.

Karen Callahan left the meeting at 11:40 a.m.

Discussion was held on the possibility of using DDN Conferencing for some Commission meetings.

Public affairs director Dawn Dovre updated the Commission on the proposed legislation.

Discussion was held on the commercial task force that was formed and holding a meeting to work on commercial forms.

Dawn Dovre left the meeting 12:00 noon.

The meeting recessed at 12:00 noon for a lunch break and reconvened at 12:20 p.m.

Motion made by Eismach, seconded by Nelson to enter into executive session at 12:30 p.m. pursuant to SDCL 1-25-2(3) to consult with legal counsel about proposed litigation. Motion carried.

The Commission reconvened to regular session at 1:10 p.m.

Complaint 2012-001, motion by Wahlstrom, seconded by Nelson to have legal counsel Aaron Arnold send a letter for an informal consultation to all parties involved. Motion carried.

Discussion was held by those that attended the 2011 ARELLO Annual Conference.

The executive director and Commission member Lewis updated the Commission on the status of the 2012 ARELLO District 2 & 3 Conference to be held in Rapid City June 5-7, 2012.

The next meeting of the Commission will be held November 30 & December 1, 2011 in Pierre.

There being no further business, motion made by Nelson, seconded by Wahlstrom to adjourn at 1:55 p.m. Motion carried.

Minutes submitted by Norma Schilling

Charles A. Larkin, Chairman

Melissa Miller, Executive Director