

Meeting Minutes
South Dakota Real Estate Commission
Telephonic Meeting

March 19, 2019 1:00 p.m. CDT

Chairman Mark Wahlstrom called the meeting to order at 1:03 p.m. A quorum was participating.

Members Participating: Mark Wahlstrom
Ryan Wordeman
Dave Bonde

Members Absent: Ken Cotton
Carol Lawhun

Others Participating: Melissa Miller, Executive Director, SDREC
Cindy Nickels, Licensing Administrator, SDREC
Graham Oey, Staff Attorney, South Dakota Department of Labor
and Regulation
Tim Bond, Compliance Officer, SDREC

Wordeman made a motion to approve the agenda. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Public Comment – None.

Bonde made motion to approve the meeting minutes. Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Summary of the financials for January and February was presented by Director Miller. Wordeman made a motion to acknowledge receipt of financials and to file. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Bonde made a motion to approve Consent Agreements (Citation Program). Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Bonde made a motion to enter into executive session to discuss disciplinary matters with legal counsel pursuant to SDCL 1-25-2(3). Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

The commission entered executive session at 1:12 p.m.

Nickels left the meeting at 1:12 p.m.

The commission came out of executive session at 1:22 p.m.

Nickels rejoined the meeting at 1:22 p.m.

Complaint 2019-003

Bonde made a motion to table complaint 2019-003. Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Complaint 2019-004

Wordeman made a motion to dismiss consent agreement 2019-004. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Complaint 2019-006

Bonde made a motion to table complaint 2019-006. Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Complaint 2019-007 / Ryan Kortan

Wordeman made a motion to approve consent agreement 2019-007. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Complaint 2019-107

Bonde made a motion to table consent agreement. 2019-107 Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Request for Waiver of Experience

Wordeman made a motion to approve the Request for Waiver Experience. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

Discussion was held about Citation Program and fines.

Discussion was held about the team legislation that passed this legislative session.

Other Business – Discussion was held about future meeting dates.

The next meeting will be scheduled for May 9, 2019.

Bonde made a motion to adjourn the meeting at 2:04 p.m. Wordeman seconded the motion. Wahlstrom called for a vote. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Wahlstrom – yea)

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1037 REAL ESTATE COMMISSION

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103700069901	1140000	364,078.14	DR	REAL ESTATE COMMISSION
6503	103700069902	1140000	101,204.84	DR	REAL ESTATE COMM RECOVERY FUND
COMPANY/SOURCE TOTAL 6503 699			465,282.98	DR *	
COMP/BUDG UNIT TOTAL 6503 1037			465,282.98	DR **	
BUDGET UNIT TOTAL 1037			465,282.98	DR ***	

BUDGET UNIT 1037

AVAILABLE FUNDS
AS OF: 03/31/2019
FY YEAR REMAINING: 25.2%
PAY DAYS REMAINING: 6

DATE 03/30/2019

CENTER NAME REAL ESTATE COMMISSION

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	596,084.00	0.00	0.00	18,901.61	305,286.68	271,895.71	465,282.98
BUDGETED TOT	596,084.00	0.00	0.00	18,901.61	305,286.68	271,895.71	
ALL COMP TOT	596,084.00	0.00	0.00	18,901.61	305,286.68	271,895.71	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	282,475.00	0.00	0.00	18,418.23	180,030.43	102,444.57	36.3
5102 EMPLOYEE BENEFITS	82,173.00	0.00	0.00	6,111.07	57,714.79	24,458.21	29.8
5203 TRAVEL	37,350.00	0.00	0.00	217.98	9,023.47	28,326.53	75.8
5204 CONTRACTUAL SVCS	160,471.00	0.00	18,901.61	3,269.48	43,976.54	97,592.85	60.8
5205 SUPPLIES & MATRLS	31,300.00	0.00	0.00	373.03	9,518.66	21,781.34	69.6
5207 CAPITAL OUTLAY	2,315.00	0.00	0.00	331.00	5,022.79	2,707.79-	0.0
TOTALS	596,084.00	0.00	18,901.61	28,720.79	305,286.68	271,895.71	45.6

BREAKOUT BY COMPANY:

COMPANY	PROFESSIONAL & LICENSING BOARDS	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE EXPENDITURES	BUDGET AVAILABLE	PCT AVL
COMPANY 6503-I	PS SUBTOTALS	364,648.00	0.00	0.00	24,529.30	237,745.22	126,902.78	34.8
	OE SUBTOTALS	231,436.00	0.00	18,901.61	4,191.49	67,541.46	144,992.93	62.6
COMPANY 6503-I	TOT	596,084.00	0.00	18,901.61	28,720.79	305,286.68	271,895.71	45.6

COMPANY	EMPLOYEE SALARIES	EMPLOYEE BENEFITS	TRAVEL	CONTRACTUAL SVCS	SUPPLIES & MATRLS	CAPITAL OUTLAY	PS SUBTOTALS	OE SUBTOTALS	COMPANY 6503-I	TOT
5101000	282,475.00	82,173.00	37,350.00	160,471.00	31,300.00	2,315.00	364,648.00	231,436.00	596,084.00	596,084.00
5102000	82,173.00	82,173.00	37,350.00	160,471.00	31,300.00	2,315.00	364,648.00	231,436.00	596,084.00	596,084.00
5203000	37,350.00	0.00	37,350.00	160,471.00	31,300.00	2,315.00	364,648.00	231,436.00	596,084.00	596,084.00
5204000	160,471.00	0.00	0.00	160,471.00	31,300.00	2,315.00	364,648.00	231,436.00	596,084.00	596,084.00
5205000	31,300.00	0.00	0.00	31,300.00	0.00	0.00	31,300.00	0.00	31,300.00	31,300.00
5207000	2,315.00	0.00	0.00	2,315.00	0.00	0.00	2,315.00	0.00	2,315.00	2,315.00

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 03/31/2019

AGENCY BUDGET UNIT	10 1037	LABOR & REGULATION REAL ESTATE COMMISSION						
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE			
COMPANY NO 6503 COMPANY NAME PROFESSIONAL & LICENSING BOARDS								
103700069901	6503	4293700	RESIDENT RENTAL AGENTS	180.00	4,440.00			
103700069901	6503	4293701	AUCTIONEER	225.00	675.00			
103700069901	6503	4293702	BROKER	9,675.00	40,950.00			
103700069901	6503	4293703	HOME INSPECTORS	200.00	3,278.10			
103700069901	6503	4293704	PROPERTY MANAGER	675.00	6,050.00			
103700069901	6503	4293705	SALES AGENTS	1,350.00	6,075.00			
103700069901	6503	4293706	TIMESHARE AGENTS	.00	375.00			
103700069901	6503	4293707	FIRMS	900.00	5,500.00			
103700069901	6503	4293708	CONDOMINIUMS	.00	9,031.23			
103700069901	6503	4293710	TIMESHARE PROJECTS	1,000.00	3,000.00			
103700069901	6503	4293711	EDUCATIONAL COURSES	915.00	10,185.00			
103700069901	6503	4293712	ADDITIONAL LICENSES	.00	2,640.00			
103700069901	6503	4293713	CHANGE OF ADDRESS	375.00	7,530.00			
103700069901	6503	4293714	CERTIFICATES OF LICENSURE	90.00	1,770.00			
103700069901	6503	4293715	LATE RENEWAL FEES	240.00	10,100.00			
103700069901	6503	4293717	RENEWAL RES RENTAL AGENTS	.00	3,100.00			
103700069901	6503	4293718	RENEWAL AUCTIONEER	.00	2,625.00			
103700069901	6503	4293719	RENEWAL BROKER	375.00	161,940.00			
103700069901	6503	4293720	HOME INSPECTION RENEWAL	.00	4,400.00			
103700069901	6503	4293721	RENEWAL PROPERTY MANAGER	125.00	10,030.00			
103700069901	6503	4293722	RENEWAL SALES AGENTS	.00	9,750.00			
103700069901	6503	4293723	RENEWAL TIMESHARE AGENTS	.00	1,500.00			
103700069901	6503	4293724	RENEWAL FIRMS	125.00	31,150.00			
103700069901	6503	4293725	RENEWAL TIMESHARE PROJECT	.00	6,875.00			

AGENCY BUDGET CENTER	UNIT	COMP	LABOR & REGULATION REAL ESTATE COMMISSION	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
103700069901	1037	6503	4293726	RENEWAL ADDITIONAL LICENS	.00	1,470.00		
ACCT:	4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	16,450.00	344,439.33	*	
ACCT:	42			LICENSES, PERMITS & FEES	16,450.00	344,439.33	**	
103700069901	6503	4393003		MISC FINES & PENALTIES	1,125.01	11,296.88		
ACCT:	4393			PENALTIES (NON-GOVERNMENTAL)	1,125.01	11,296.88	*	
ACCT:	43			FINES, FORFEITS & PENALTIES	1,125.01	11,296.88	**	
103700069901	6503	4596002		LICENSE LAW BOOKS SOLD	.00	120.00		
103700069901	6503	4596003		DIRECTORIES/HOME BUYER GV	1,250.00	8,010.00		
ACCT:	4596				1,250.00	8,130.00	*	
ACCT:	45			CHARGES FOR SALES & SERVICES	1,250.00	8,130.00	**	
103700069901	6503	4920045		NONOPERATING REVENUES	.00	3,519.91		
ACCT:	4920			NONOPERATING REVENUE	.00	3,519.91	*	
ACCT:	49			OTHER REVENUE	.00	3,519.91	**	
CNTR:	103700069901				18,825.01	367,386.12	***	
103700069902	6503	4920045		NONOPERATING REVENUES	.00	1,204.84		
ACCT:	4920			NONOPERATING REVENUE	.00	1,204.84	*	
ACCT:	49			OTHER REVENUE	.00	1,204.84	**	
CNTR:	103700069902				.00	1,204.84	***	
COMP:	6503				18,825.01	368,590.96	****	
B UNIT:	1037				18,825.01	368,590.96	*****	

Revenue Report Ending 3/31/19

(Additional Report)

Description	Budgeted	Current	Rev. to be Rec	YTD	PCT Rec.
Residential Rental Agents	3,000	180	(1,440)	4,440	148
Auctioneer	450	225	(225)	675	150
Broker	60,000	9,675	19,050	40,950	68
Home Inspectors	4,000	200	750	3,250	81
Property Manager	6,000	675	(50)	6,050	101
Sales Agents	2,000	1,350	(4,075)	6,075	304
Timeshare Agents	1,500	0	1,125	375	25
Firms	7,500	900	2,000	5,500	73
Condominiums	7,000	0	(2,031.23)	9,031.23	129
Timeshare Projects	3,000	1,000	0	3,000	100
Educational Courses	15,000	915	4,815	10,185	68
Additional Licenses	2,000	0	(640)	2,640	132
Change of Address	7,000	375	(530)	7,530	108
Certificate of Licensure	2,500	90	730	1,770	71
Late Renewal Fees	9,000	240	(1,100)	10,100	112
Renewal Res Rental Agents	4,000	0	900	3,100	78
Renewal Auctioneer	6,000	0	3,375	2,625	44
Renewal Broker	176,550	375	14,610	161,940	92
Home Inspection Renewal	6,000	0	1,600	4,400	73
Renewal Property Manager	9,000	125	(1,030)	10,030	111
Renewal Sales Agents	11,000	0	1,250	9,750	89
Renewal Timeshare Agents	1,000	0	(500)	1,500	150
Renewal Firms	35,000	125	3,850	31,150	89
Renewal Timeshare Project	6,000	0	(875)	6,875	115
Renewal Additional Licenses	4,000	0	2,530	1,470	37
Misc. Fines, Penalties and NO Rev					
Interest Earned	22,000	1,125.01	5,950.72	16,049.73	73
License Law Books Sold	500	0	380	120	24
Directories/Lists Sold	9,000	1,250	990	8,010	89
	420,000	18,825.01	63,905.72 (12,496.23)	368,590.96	88