

SOUTH DAKOTA REAL ESTATE COMMISSION
FEBRUARY 3 & 4, 2010
HOLIDAY INN EXPRESS
110 EAST STANLEY ROAD
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:00 p.m. on February 3, 2010 in Conference Room A of the Holiday Inn Express, Fort Pierre, SD. Present for the meeting were Chairman Dennis Eisnach and commission members Eileen Fischer, Brian Jackson, Charles Larkin and Paula Lewis. Also present were legal counsel Lindsey Riter-Rapp, executive director Dee Jones Noordermeer and licensing program administrator Norma Schilling.

The minutes of the December 9 & 10, 2009 and January 11 & 12, 2010 stood approved.

The December 2009 financial state stood approved as amended.

The executive director gave an update on license renewals.

The Commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision on Kay Swanhorst. Following discussion, motion was made and seconded to adopt the proposed decision of Hearing Examiner Hillary Brady to the revocation of the license of Kay Swanhorst. Motion carried.

The executive director briefed the commission on Senate Bill 119 that would permit an auctioneer to offer an opinion regarding the value of property. Following discussion, motion was made and seconded to formally oppose Senate Bill 119. Motion carried.

The executive director informed the commission that she has been given the approval to proceed with online services. The executive director will be sending out requests for proposals to companies interested in submitting a proposal.

Hearing Examiner Hillary Brady at 1:40 p.m. convened the formal on complaint #2010-010, SDREC vs. Tobin Karn. 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 and court reporter Cheri Wittler. Defendant Tobin Karn was not present for the hearing. The hearing closed at 1:45 p.m.

Motion made and seconded to enter into executive session at 1:50 p.m. to review complaints. Motion carried.

Motion made and seconded to come out of executive session at 2:50 p.m. Motion carried.

Motion made and seconded to amend the proposed decision of hearing examiner Hillary Brady on James Lee to the revocation of his license, costs of the complaint and a penalty of \$2,500. Motion carried.

Complaint #2010-005, motion made and seconded to dismiss the complaint.

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Motion made and seconded to file a formal complaint against Stephanie Dannen. Motion carried.

Complaint #2010-006, motion made and seconded to move to a formal hearing. Motion carried.

Commission member Eileen Fischer left the meeting at 2:30 p.m. Legal counsel updated the commission on the status of the Patrick Donahue appeal. Commission member Fischer returned to the meeting at 2:45 p.m.

Commission member Paula Lewis left the meeting at 2:43 p.m. Legal counsel updated the commission on the status of the Robert Leonard appeal. Commission member Lewis returned to the meeting at 2:55 p.m.

The executive director briefed the commission on a licensee who has pled guilty to criminal charges. The commission tabled any decision to a future meeting.

Discussion was held on the request of Barbara Baker to consider the reinstatement of her license that has expired. Following discussion, the commission tabled any decision until further information is obtained.

Discussion was held on the petition for declaratory ruling.

Motion made and seconded to enter into executive session at 3:40 p.m. The purpose of the executive session was to meet with a licensee to discuss the licensee's proposed business plan. Motion carried.

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

Discussion continued on the petition for declaratory ruling.

Discussion was held on the proposed travel policy. Motion made and seconded to adopt the travel policy. Motion carried.

The executive director informed the commission of the ARELLO Midyear Meeting to be held April 7-10, 2010 in Colorado Springs, CO. Motion made and seconded to submit a travel request for the executive director and 2 commission members to attend the ARELLO Midyear Meeting. Motion carried.

The executive director informed the commission of the National Land Council meeting to be held May 19-22, 2010 in San Antonio, TX. Motion made and seconded to submit a travel request for one staff to attend the National Land Council meeting. Motion carried.

The executive director gave an update on the ARELLO Leadership Meeting that she and commission member Paula Lewis attended.

The executive director informed the commission that office staff had received a certification of licensure from a licensee that appeared to have been altered.

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Discussion was held on whether licensees that fall under the citation program and have signed Stipulations and Assurances of Voluntary Compliance should be listed in the Commission Newsletter.

The meeting recessed at 5:40 p.m. and reconvened at 8:30 a.m. on February 4, 2010.

Dee Jones Noordermeer, the executive director, was not present for the meeting on February 4, 2010.

Additional information was presented to the commission on Barbara Baker regarding her failure to renew her license and her request to have it reinstated. Following discussion, motion made and seconded to deny the request of Barbara Baker to reinstate her license as the commission feels she had adequate time to reinstate her license. Motion carried.

The commission tabled any decision on the petition for declaratory ruling until the next meeting. The commission will do more research on this.

Further discussion was held on the citation program. Motion made and seconded following reconsideration of the previous motion, that effective immediately the names of licensees, amount of penalty and violation shall be listed in the commission newsletter after the signed Stipulations and Assurances of Voluntary Compliance involved in the citation program have been received in the Commission office. Motion carried.

The next meeting of the Commission will be held March 24 & 25, 2010 in Pierre.

There being no further business, motion made and seconded to adjourn at 9:05 a.m. Motion carried.

Dennis Eisnach, 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 February 3 & 4, 2010.

Dee Jones Noordermeer, Executive Director