

SOUTH DAKOTA REAL ESTATE COMMISSION
FEBRUARY 4 & 5, 2009
AMERICINN
312 ISLAND DR
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:10 p.m. on February 4, 2009 in the Scotty Philip Conference Room of the AmericInn, Fort Pierre, South Dakota. Present for the meeting were Chairman Eileen Fischer and commission members Dennis Eischach, Brian Jackson, Charles Larkin and Paula Lewis. Also present were legal counsel Jim Robbenolt, executive director Dee Jones Noordermeer and licensing program administrator Norma Schilling.

Motion made and seconded to approve the minutes of the December 17 & 18, 2008 meeting. Motion carried.

Commission member Paula Lewis was recognized for her 40 years in the real estate business.

Motion made and seconded to accept the financial report for December 2008. Motion carried.

The executive director updated the commission on license renewals for 2008 and handed out graphs for comparison on prior year renewals and new applications.

The executive director updated the commission on the status of HB 1094, HB 1114, HB 1115, HB 1116 and HB 1205.

Chairman Eileen Fischer at 1:30 p.m. convened the hearing on the application appeal of Dale Landwehr. Those present for the hearing in addition to the members of the commission were legal counsel Jim Robbenolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling and applicant Dale Landwehr. The hearing closed at 1:50 p.m.

Motion made and seconded to enter into executive session at 1:51 p.m. Motion carried.

Motion made and seconded to come out of executive session at 1:58 p.m. Motion carried.

Motion made and seconded to approve the application of Dale Landwehr upon his passing the State portion of the exam and that he pay the federal tax lien by December 31, 2010. Motion carried.

Further discussion was held on legislation. The executive director advised the commission that should the legislation on the increase in precicensing and the requirement for post licensing pass, committees would need to be formed to draft rules for these new laws and a rules hearing would need to be held.

Commission member Paula Lewis gave an update on the ARELLO 2009 Symposium and Board of Directors meeting on strategic planning she attended in Charlotte, North Carolina.

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The executive director informed the commission that she and Commission member Paula Lewis have been approved to attend the ARELLO Mid-Year meeting in Asheville, North Carolina April 26-29, 2009.

The commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision on Terry Cameron and Richard Price. Motion made and seconded to amend the proposed decision of Hearing Officer Hillary Brady to the revocation of the license of Terry Cameron and that he pay a penalty of \$2,500 and the reimbursement of costs of the complaint. Motion carried. Motion made to amend the proposed decision of Hearing Office Hillary Brady to suspend the license of Richard Price for 6 months with the suspension held in abeyance for 1 year under the condition he take the responsible broker course and license law course within 1 year and that he pay a penalty of \$250 and if he does not fulfill the order within 1 year then his license would be suspended for 6 months. Substitute motion to amend the Proposed Decision of Hillary Brady for Richard Price to the completion of the responsible broker course within 1 year. Substitute motion seconded and carried.

The commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision on Scott Lloyd. Motion made and seconded to the revocation of the license of Scott Lloyd and that he pay a penalty of \$2,500 and the reimbursement of costs of the complaint. Motion carried.

Compliance officers Michelle Metzinger and Angela Madsen joined the meeting at 3:15 p.m.

Chairman Eileen Fischer at 3:30 p.m. convened the formal hearing on complaint #2009-007, SDREC vs. Nicholas Caspers. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, compliance officers Michelle Metzinger and Angela Madsen and defendant Nicholas Caspers. The hearing closed at 3:45 p.m.

Motion made and seconded that Nicholas Caspers be ordered to pay the costs from the Stipulation and Assurance of Voluntary Compliance previously offered by the commission. Motion carried.

Motion made and seconded to enter into executive session at 3:50 p.m. to review complaints. Motion carried.

Motion made and seconded to come out of executive session at 3:55 p.m. Motion carried.

Complaint #2008-014, Western Dakota Land LLC vs. Gary Neiderworder & Robert Leonard. Motion made and seconded to move to a formal hearing. Motion carried.

Complaint #2009-010, Eisenlohr vs. The Real Estate Company/Dose/Swanson/Johnson. Motion made and seconded to dismiss the complaint. Motion carried.

Complaint #2009-012, Goeman vs. Lakeview Realty/Jay Van Liere. Motion made and seconded to dismiss the complaint. Motion carried.

The meeting recessed at 4:00 p.m. and reconvened at 8:30 a.m. on February 5, 2009.

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The executive director approached the commission on delivering the Commission Newsletter to licensees by email as this would be a cost savings to the commission. The executive director informed the commission that newsletters are being returned to the commission at a cost for incorrect addresses. Motion made and seconded to proceed with the process to deliver the Commission Newsletter through online services. Motion carried.

The commission reviewed the letter received from a former complainant. Motion made and seconded to have the executive director write a letter to the former complainant informing him that the Commission has no further jurisdiction over this matter. Motion carried.

Discussion was held on electronics records storage. The executive director was instructed to proceed with implementing standards for electronic storage of records for brokerage offices.

The executive director informed the commission that she has filed several complaints with Stipulations and Assurances of Voluntary Compliance to licensees for noncompliance.

The next meeting of the commission will be held March 17 & 18, 2009 in Pierre.

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

Eileen Fischer, 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 4 & 5, 2009.

Dee Jones Noordermeer, Executive Director