

SOUTH DAKOTA REAL ESTATE COMMISSION
KNEIP BUILDING
MARCH 17, 2016
700 GOVERNORS DR
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:05 a.m. on March 17, 2016. Present for the meeting were Chairman David Bonde and Commission members Ken Cotton, Matt Krogman, Mark Wahlstrom and Ryan Wordeman. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling, Department of Labor and Regulation legal counsel Aaron Arnold and compliance officer Brian Jackson.

Motion by Cotton, seconded by Wahlstrom, to approve the agenda as presented. Motion carried.

Motion by Krogman, seconded by Wordeman, to approve the minutes of the January 13, 2016 meeting. Motion carried.

Motion by Krogman, seconded by Cotton, to approve the financial reports for January & February 2016. Motion carried.

Motion by Wordeman, seconded by Wahlstrom, to approve the consent agreements with a penalty of \$100 for each licensee for the list provided at the meeting, which includes the violation, for the following:

Failure to register a place of business or failure to report a change of location of a business within 10 days of the change (SDCL 36-21A-52);

Sandra Spencer, Broker Associate, Rapid City
Jeffrey Garrett, Broker, Spearfish
Michelle Watson, Broker Associate, Spearfish

Failure to maintain errors and omissions insurance or to provide proper notification to the commission of errors and omissions insurance (SDCL 36-21A-119, ARSD 20:69:15:02, 20:69:15:06, 20:69:15:07);

Karri Swenson, Broker, Chamberlain
Tom Simmons, Broker Associate, Sioux Falls
Kyle Peschong, Broker Associate, Mitchell
Sam Ogdie, Broker, Sioux Falls
Carrie Mart, Broker Associate, Vermillion
Larry Schecher, Broker Associate, Rapid City
William Phillips, Broker, Sturgis
Charlie Even, Broker Associate, Watertown
Jim Aesoph, Broker, Watertown
Brenda Aesoph, Broker, Watertown
Gene Voelsch, Broker Associate, Watertown
Stephanie Wehrkamp, Residential Rental Agent, Sioux Falls
Julie Herman, Salesperson, Rapid City
Tyler Stunes, Broker Associate, Sioux Falls
Godofredo (Freddie) Contreras, Broker Associate, Sioux Falls
Jeremy Madsen, Broker Associate, Sioux Falls
Roger Riley, Broker, Spearfish

April Pedersen, Broker Associate, Sioux Falls
Susan Raposa, Broker, Rapid City
Clay Fisher, Broker Associate, Sioux Falls
Virginia Brinkman, Broker, Yankton
Reed Johnson, Broker, Sioux Falls
Denise Hanzlik, Property Manager, Dell Rapids
Vicky Johns, Broker Associate, Madison
Ryan Rients, Broker Associate, Sioux Falls
Stan Sudbeck, Salesperson, Yankton
Sacha Picotte, Broker Associate, Sioux Falls
Erin Hardy, Broker Associate, Sioux Falls
Matt Larson, Broker, Laverne, MN

Performing real estate brokerage activity beyond the month in which a license lapses for non-payment of renewal fees, and/or not filing/completing the required continuing education (SDCL 36-21A-61, 36-21A-62, 36-21A-64);

Ben White, Broker Associate, Sioux Falls
Janelyn Maguire, Broker Associate, Kennebec
Eugene Nachtigall, Broker Associate, Hot Springs
Toni Devereux, Broker, Hot Springs
Gary Goeller, Broker Associate, Huron
Adam Mutschelknaus, Broker Associate, Sioux Falls
Kelly Lhotak, Broker Associate, Rapid City
Chris Muse, Broker Associate, Custer
Daniel Koupal, Auctioneer, Wagner
Bruce Bowden, Registered Home Inspector, Black Hawk
Melvin Pieper, Auctioneer, Gary
Reynaldo Gonzales, Broker, Sioux Falls
Jennifer Mettler, Broker, Brookings
Dean Krogman, Broker, Brookings
Mike Dressler, Broker, Sioux Falls
Melanie Bobby, Broker, Aberdeen
Shasta Weston, Broker Associate, Sioux Falls
Gale Johnson, Property Manager, Rapid City
Denise Johnson, Property Manager, Rapid City
Staci Ruiz, Residential Rental Agent, Aberdeen
Dillon Lambley, Broker Associate, Yankton
Jennifer Anderson, Broker Associate, Sioux Falls
James Smith, Broker Associate, Watertown
Matt Gehling, Broker, Preston, MN

Motion carried.

Motion by Wahlstrom, seconded by Cotton, to deny the residential rental agent application of applicant #5 which was tabled at the last Commission meeting. Motion carried.

Discussion was held on transaction brokerage. The Commission gave the executive director and legal counsel direction on writing a report for Representative Alex Jensen on transaction brokerage. Legal counsel will present draft of report to the Commission at the May meeting.

Motion by Krogman, seconded by Cotton, to dismiss Complaint 2016-006 with a letter from the executive director to the licensee. Motion carried.

Motion by Wahlstrom, seconded by Wordeman, to enter into executive session at 9:45 a.m. pursuant to SDCL 1-25-2(3). Motion carried.

The Commission reconvened to regular session at 9:50 a.m.

Motion by Wahlstrom, seconded by Cotton, to have legal counsel negotiate a consent agreement with the licensees involved in Complaint 2016-012. Motion carried.

Education director Karen Callahan joined the meeting at 10:00 a.m.

Discussion was held on the education caravans. Motion by Wahlstrom, seconded by Krogman, that the Fall 2016 caravan be the last Commission sponsored caravan. Motion carried by roll call vote with all voting "Yea".

Discussion was held on reviewing the Administrative Rules for changes that may need to be made to make sure the General Authority and Law Implemented site the correct Statutes. Legal counsel was instructed to proceed with reviewing the Administrative Rules for possible changes.

The executive director informed the Commission on the upcoming 2016 REEA Conference and the 2016 ARELLO Annual Conference. Motion by Krogman, seconded by Wordeman, to approve any staff members to attend the 2016 REEA Conference. Motion seconded. Motion by Wordeman, seconded by Wahlstrom, to approve the attendance of Commission members and staff to attend the 2016 ARELLO Annual Conference. Motion carried.

Education director Karen Callahan left the meeting at 11:05 a.m.

An update was given on the status of the formal hearings pending.

Legal counsel will give a legislative update at the next meeting.

Commission member Ken Cotton gave the Commission an update on a legislative bill regarding wind turbines.

The next regular meeting of the Commission will be held May 11 & 12, 2016.

There being no further business, motion by Wordeman, seconded by Wahlstrom, to adjourn at 11:15. Motion carried.

Minutes submitted by Norma Schilling

David Bonde, Chairman

Melissa Miller, Executive Director