

SOUTH DAKOTA REAL ESTATE COMMISSION  
MAY 7 & 8, 2008  
GEORGE MICKELSON CRIMINAL JUSTICE CENTER  
1302 E HWY 14  
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 9:00 a.m. on May 7, 2008 in the Conference Room of the Real Estate Commission, Pierre, South Dakota. Present for the meeting were Vice Chairperson Eileen Fischer and commission members Dennis Eisnach, Charles Larkin and Paula Lewis. Also present were legal counsel Jim Robbennolt and executive director Dee Jones Noordermeer.

The commission reviewed and made changes to the proposed forms.

Commission member Dennis Eisnach left the meeting at 9:40 a.m.

The commission moved to the George Mickelson Criminal Justice Center at 1:00 p.m. and continued working on the proposed forms with Chairman Brian Jackson and licensing program administrator Norma Schilling joining the meeting.

Motion made and seconded to approve the minutes of the April 9 & 10, 2008 meeting. Motion carried.

Motion made and seconded to enter into executive session at 1:40 p.m. Motion carried.

The informal consultation on complaint #2008-013, Tobin Karn vs. Cheri St. Pierre was convened at 1:41 p.m. Present for the consultation in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, compliance officer Michelle Metzinger, complainant Tobin Karn, respondent Cheri St. Pierre, respondent's attorney Ken Barker, Lisa Mueller and Becky Collins. The consultation concluded at 3:07 p.m.

Motion made and seconded to come out of executive session at 3:20 p.m.

Legal counsel Jim Robbennolt convened the application appeal of April Johnson at 3:25 p.m. Present for the hearing in addition to the members of the commission were executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling and applicant April Johnson. The hearing closed at 3:40 p.m.

Motion made and seconded to approve the broker associate application of April Johnson. Motion carried.

The Commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision on Steve Folk. Motion made and seconded to amend the proposed decision of Hearing Officer Hillary Brady to include the reimbursement of all costs involved with the complaint along with the revocation of the license of Steve Folk. Motion carried.

The Commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision of Anna Higgason. Motion made and seconded to amend the proposed decision of Hearing

Officer Hillary Brady to revoke the license privilege of Anna Higgason, she reimburse the Commission for costs of the complaint and pay a penalty of \$2,500. Motion carried.

Legal counsel was instructed to contact HUD regarding the issues involving Anna Higgason.

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Motion made and seconded to enter into executive session at 4:05 p.m. Motion carried.

Motion made and seconded to come out of executive session at 4:25 p.m. Motion carried.

Motion made and seconded to offer to enter into a Stipulation and Assurance of Voluntary Compliance with Cheri St. Pierre to the completion of 6 hours of classroom study in contracts and 3 hours of classroom study in ethics, reimburse the Commission for costs of the complaint and pay a monetary penalty of \$1,000. Motion carried.

Commission members Charles Larkin and Paula Lewis and executive director Dee Jones Noordermeer gave an update on the ARELLO Midyear Meeting held in Pasadena, CA April 24-26, 2008.

The meeting recessed at 4:55 p.m. and reconvened at 8:30 a.m. on May 8, 2008 with Michelle Kleven, Executive Vice President of the SD Association of REALTORS joining the meeting.

Discussion was held on proposed legislation which includes DCI and FBI background checks, lodging licenses on vacation home establishments, unlicensed persons conducting real estate activity, forming of corporations for receiving commissions, waiver of the responsible broker course until the next available offering and home inspector licensing.

The public rules hearing was called to order by Chairman Jackson at 9:00 a.m. The hearing closed at 9:08 a.m.

Michelle Kleven, Executive Vice President of the Association of REALTORS, briefed the commission on legislative issues a task force of the Association has been considering. The task force has three issues they are considering at this time: 1. increasing prelicensing hours by 16 to 20 hours with course content areas identified, 2. post licensing requirements of 60 hours in the first three years of licensing with 20 hours taken each year with subject matter areas identified and continuing education credit given for these hours and 3. implement a minor in real estate from post secondary learning centers for prelicensing requirements. Following discussion, the commission informed Ms. Kleven that the Association will be invited to attend the commission meeting on June 11 & 12, 2008 to discuss these issues.

Michelle Kleven left the meeting at 10:45 a.m.

The executive director informed the commission that the ARELLO District Conference will be held in Branson, MO July 19-21, 2008. Motion made and seconded to request the attendance of four commission members and two staff members at the ARELLO District Conference. Motion carried.

Commission member Charles Larkin informed the commission that he has been invited to attend the ARELLO Legislative Liaison Meeting in Washington, DC May 13-17, 2008. Motion

made and seconded to request the attendance of commission member Larkin at the ARELLO Legislative Liaison Meeting. Motion carried.

The executive director informed the commission that she had received notice from Nebraska that they will be changing their requirements for reciprocal licensing in that applicants will be required to take a three hour prelicense course in license law instead of a three hour post license course in agency effective July 1, 2008. The commission will wait to see what ARELLO's position will be on reciprocal licensing to see if this will affect licensees in Nebraska wanting to get a license in South Dakota.

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Legal counsel Jim Robbennolt left the meeting at 11:25.

Licensing program administrator Norma Schilling left the meeting at 11:45.

The commission continued review on the proposed forms.

Commission member Brian Jackson left the meeting at 11:55.

The next meeting of the commission will be June 11 & 12, 2008 in Sioux Falls.

There being no further business, motion made and seconded to adjourn at 12:30 p.m. Motion carried.

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Brian Jackson, Chairman

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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 May 7 & 8, 2008.

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Dee Jones Noordermeer, Executive Director