

SOUTH DAKOTA REAL ESTATE COMMISSION
MAY 9 & 10, 2007
KING'S INN
110 EAST SIOUX AVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 12:35 p.m. on May 9, 2007 in the Jefferson Room of the King's Inn, Pierre, SD. Present for the meeting were Chairman Brian Jackson and commission members Dennis Eisnach, Eileen Fischer and Charles Larkin. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer and staff specialist Norma Schilling. Commission member Paula Lewis was absent from the meeting. Dr. Larry Fabrey of Applied Measurement Professionals was present for the meeting on May 9, 2007.

Motion by Larkin, second by Eisnach, to approve the minutes of the March 14 & 15, 2007 meeting. Motion carried.

Motion by Larkin, second by Eisnach, to accept the March & April 2007 financial reports. Motion carried.

Discussion was held on the application of Rachel Malloy. Motion by Larkin, second by Fischer, to accept the application of Rachel Malloy. Motion carried.

Motion by Larkin, second by Eisnach, to enter into executive session at 12:50 p.m. to discuss personnel issues. Motion carried.

Motion by Larkin, second by Eisnach, to come out of executive session at 1:45 p.m. Motion carried.

Following discussion on licensees that are claiming residency in another state, Larkin moved, seconded by Fischer, to have legal counsel file a complaint against broker/owner Patrick Donahue and licensees Jeanne Donahue, Jeb Hughes and Jessica Woods. Motion carried.

Hearing Officer Leo Disburg at 2:00 p.m. convened the formal hearing on complaint #2007-012, SDREC vs. Raben Real Estate, Inc./Raben/Randolph. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, staff specialist Norma Schilling, court reporter Carla Bachand, James Carlon attorney for the defendants, defendants Gilbert Raben, Velma Raben and Nancy Randolph and witness Ryan Olsen. Witness Justin Coop appeared telephonically. The hearing closed at 3:30 p.m.

Motion by Larkin, second by Eisnach, to enter into executive session at 3:40 p.m. Motion carried.

Motion by Fischer, second by Larkin, to come out of executive session at 3:50 p.m. Motion carried.

Attorney Mark Moreno and education director Karen Callahan joined the meeting at 3:50 p.m.

Dr. Larry Fabrey of Applied Measurement Professionals gave a presentation on the simulation exam and testing procedures.

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Commission member Dennis Eisnach left the meeting at 4:00 p.m.

The meeting recessed at 4:45 p.m. and reconvened at 8:30 a.m. on May 10, 2007.

The executive director gave an update on the Department of Revenue and Regulation retreat that was held in Spearfish for the Division Directors.

The executive director and commission member Charles Larkin gave updates on the ARELLO Midyear Meeting that was held in Banff, Alberta, Canada.

Darrell Leamy and his attorney Charles Dorothy appeared telephonically on Darrell Leamy's motion for rehearing. Following discussion Fischer moved, seconded by Eisnach, to deny Darrell Leamy's request for a rehearing. Motion carried.

Motion by Eisnach, second by Larkin, to enter into executive session at 9:45 a.m. to review complaints. Motion carried.

Motion by Eisnach, second by Larkin, to come out of executive session at 9:48 a.m. Motion carried.

Complaint #2007-016, Schmiginske vs. HJN Team Real Estate/Doug Nelson/Lee Johnson. Motion by Fischer, second by Larkin, to dismiss the complaint. Motion carried.

Complaint #2007-019, Orman vs. First Premier Realty, Inc./Koch & Century 21 Investment REALTORS/Vetter. Motion by Eisnach, second by Larkin, to dismiss the complaint. Motion carried.

The executive director informed the commission on the upcoming ARELLO District Meeting in New Orleans, LA July 26-28, 2007. Motion by Fischer, second by Eisnach, to request the attendance of three commission members and two staff members to attend the ARELLO District Meeting. Motion carried.

The executive director informed the commission that the Investigator Workshop will be held in Orlando, FL August 7-9, 2007 and that she has been asked to conduct a three hour session at the workshop. Motion by Larkin, second by Fischer, to request the two investigators and the executive director to attend the Investigator Workshop. Motion carried.

The executive director informed the commission that the ARELLO Annual Conference will be held in New York, NY September 14-17, 2007. Motion by Eisnach, second by Larkin, to request the attendance of four commission members and the executive director at the ARELLO Annual Conference. Motion carried.

Department Secretary Paul Kinsman and Deputy Secretary David Wiest joined the meeting at 10:00 a.m. to introduce themselves to the commission and address any concerns the commission may have. Deputy Secretary David Wiest left the meeting at 10:45 a.m. and Secretary Paul Kinsman left the meeting at 11:35 a.m.

The executive director informed the commission that Brian DeNeui had been served with a formal complaint and a summary suspension of his license for engaging in illegal activities.

The next meeting of the commission will be held June 20 & 21, 2007 in Pierre,

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There being no further business, Eisnach moved, seconded by Larkin, to adjourn at 11:40 a.m. Motion carried.

Brian Jackson, 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 May 9 & 10, 2007.

Dee Jones Noordermeer, Executive Director