

SOUTH DAKOTA REAL ESTATE COMMISSION  
MAY 12 & 13, 2010  
RADISSON HOTEL RAPID CITY  
445 MOUNT RUSHMORE ROAD  
RAPID CITY, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:28 a.m. on May 12, 2010 in the Executive Room of the Radisson Hotel, Rapid City, 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 March 24 & 25, 2010 meeting and the May 5, 2010 meeting stood approved as amended following the change from 3:54 p.m. to 3:25 p.m. on page 2 of the March 24 & 25, 2010 meeting in regards to the time that Jeri Prestjohn appeared before the commission.

The financial reports for March and April 2010 were accepted as submitted.

Licensing program administrator Norma Schilling updated the commission on her research into electronic fingerprinting.

Hearing Examiner Hillary Brady at 9:00 a.m. convened the formal hearing on complaint #2010-006, SDREC vs. Douglas Groves. 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, court reporter Carolyn Harkins, defendant Douglas Groves and witness James Peterson. The hearing closed at 10:30 a.m.

Motion made and seconded to enter into executive session at 10:35 a.m. to review complaints. Motion carried.

Commission member Paula Lewis excused herself from the meeting at 10:50 a.m. and returned at 11:05 a.m.

Motion made and seconded to come out of executive session at 11:30 a.m. Motion carried.

Complaint #2008-023, motion made and seconded to amend the formal complaint and proceed with a formal hearing. Motion carried.

Complaint #2010-013, motion made and seconded to file a complaint against the buyer's agent and hold an informal consultation with the listing agent and buyer's agent. Motion carried. Commission member Paula Lewis recused herself from the complaint.

Complaint #2010-014, Motion made and seconded to move to a formal hearing. Motion carried.

Discussion was held on a letter received from a complainant regarding the decision of the Commission.

May minutes, page 2

The Commission reviewed a letter from Michael Loos, attorney for Tobin Karn, with a request to reconsider the decision of the Commission. Motion made and seconded to deny the request to reconsider the Commission decision. Motion carried.

The Commission reviewed and discussed the draft auctioneer forms that were developed by the auctioneer task force.

The meeting recessed for lunch at 12:12 p.m. and reconvened at 1:30 p.m.

The Commission continued review and discussion on the draft auctioneer forms. Following review, discussion and changes to the forms the Commission instructed the executive director to present the forms for public opinions.

Discussion was held on the licensing of all real estate firms. The Commission instructed office staff to research other real estate licensing jurisdictions on their requirements for firm licensing.

Discussion was held on possible legislation and changes to administrative rules. Changes to the rules would include stipulations and assurances of voluntary compliances. Proposed legislation would include changing the definition of auction, legislation on open meetings and executive sessions, unlicensed individuals and disciplinary action on individuals no longer licensed.

Discussion was held on the renewal of the contract for legal services. Motion made and seconded to renew the contract for legal services. Motion carried.

The executive director informed the Commission on the ARELLO District Conference in Des Moines, IA July 17-19, 2010. Motion made and seconded to submit a request for the attendance of two commission members and the executive director to attend. Motion carried.

The executive director informed the Commission on the ARELLO Annual Conference in Anchorage, AK September 16-18, 2010. Motion made and seconded to submit a request for the attendance of three commission members and the executive director to attend. Motion carried.

Legal counsel briefed the commission on a concern from Ken Barker, attorney for Cheri St. Pierre, with the commission hearing the case on Cheri St. Pierre. Following discussion, the commission felt there would be no conflict with the hearing since the hearing will be heard by an administrative law judge.

The meeting recessed at 3:55 p.m. and reconvened at 8:35 a.m. on May 13, 2010 with legal counsel not present.

Discussion was held on the possibility of the Commission office going paperless on license files. Commission staff was instructed to do further research into what other agencies and jurisdictions are doing and what it would take to get this accomplished.

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

May minutes, page 3

There being no further business, motion made and seconded to adjourn at 9:10 a.m. Motion carried.

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Dennis Eisnach, 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 12 & 13, 2010.

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Dee Jones Noordermeer, Executive Director