

SOUTH DAKOTA REAL ESTATE COMMISSION
KNEIP BUILDING
MAY 12, 2016
700 GOVERNORS DR
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:00 a.m. on May 12, 2016. Present for the meeting were Vice Chairman Ryan Wordeman and Commission members Ken Cotton, Matt Krogman and Mark Wahlstrom. Chairman David Bonde was not present for the meeting. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling and Department of Labor and Regulation legal counsel Aaron Arnold.

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

Motion by Krogman, seconded by Cotton, to approve the minutes of the March 17, 2016 meeting. Motion carried.

Motion by Wahlstrom, seconded by Krogman, to approve the financial reports for March & April 2016. Motion carried.

Motion by Krogman, seconded by Cotton, to approve the consent agreement for Jason Miller with a penalty of \$100 for violation of SDCL: 36-21A-28 - active license required for certain acts, SDCL 36-21A-66 - failure to file a late registration application and pay a late registration fee and SDCL 36-21A-71(1). Motion carried.

Motion by Wahlstrom, seconded by Cotton, to approve the consent agreement for Amy Evans with a penalty of \$100 for violation of SDCL 36-21A-52 - failure to register a place of business or failure to report a change of location of a business within 10 days of the change and SDCL 36-21A-71(1). Motion carried.

Motion by Cotton, seconded by Krogman, to approve the consent agreement for Raymond Daley with a penalty of \$100 for violation of SDCL 36-21A-52 - failure to register a place of business or failure to report a change of location of a business within 10 days of the change and SDCL 36-21A-71(1). Motion carried.

Motion by Krogman, seconded by Wahlstrom, to approve the consent agreement for Reynaldo Gonzales with a penalty of \$100 for violation of SDCL 36-21A-52 - failure to register a place of business or failure to report a change of location of a business within 10 days of the change and SDCL 36-21A-71(1). Motion carried.

Motion by Wahlstrom, seconded by Cotton, to approve the broker associate application of applicant #2. Motion carried.

Motion by Krogman, seconded by Wahlstrom, to table the property manager application of applicant #3 until the next meeting. Motion carried.

Legal counsel Aaron Arnold briefed the Commission on his findings from other states regarding transactional brokerage. Legal counsel will continue to work on a report to present at the next meeting.

Maggie (Applicant #1) appeared before the Commission at 8:18 a.m. regarding the approval of her broker associate application. Maggie left the meeting at 8:25 a.m.

Motion by Wahlstrom, seconded by Cotton, to enter into executive session at 8:26 a.m. pursuant to SDCL 1-25-2(3). Motion carried.

The Commission reconvened to regular session at 8:36 a.m.

Motion by Wahlstrom, seconded by Krogman, to deny the broker associate application of applicant #1. Motion carried.

Compliance officers Michelle Metzinger and Brian Jackson joined the meeting at 8:38 a.m.

Motion by Krogman, seconded by Cotton, to dismiss complaint 2016-087. Motion carried.

Motion by Cotton, seconded by Wahlstrom, to enter into executive session at 9:04 a.m. pursuant to SDCL 1-25-2(3). Motion carried.

Compliance officers Metzinger and Jackson left the meeting at 9:04 a.m.

The Commission reconvened to regular session at 9:14 a.m.

Compliance officers Metzinger and Jackson rejoined the meeting at 9:14 a.m.

Motion by Wahlstrom, seconded by Krogman, to dismiss complaint 2016-088 with a letter to the licensee, broker and home inspector. Motion carried.

Motion by Krogman, seconded by Cotton, to dismiss complaint 2016-089. Motion carried.

The executive director informed the Commission on a possible Investigator Workshop to be held in the Fall of 2016. Motion by Wahlstrom, seconded by Cotton, to approve the attendance of the compliance officers at the Investigator Workshop. Motion carried.

Discussion was held on meeting law changes that was addressed by legal counsel.

Discussion was held on Commission forms that are open to the public to use.

Cieara (applicant for a residential rental agent license) appeared before the Commission at 9:35 a.m. for a reconsideration on the denial of her application.

Motion by Cotton, seconded by Wahlstrom, to enter into executive session at 9:41 a.m. pursuant to SDCL 1-25-2(3). Motion carried.

Compliance officers Metzinger and Jackson left the meeting at 9:41 a.m.

The Commission reconvened to regular session at 9:55 a.m.

Compliance officers Metzinger and Jackson rejoined the meeting at 9:55 a.m.

No action taken on the reconsideration of the residential rental agent application of Cieara.

Discussion was held on consideration of future disciplinary action.

Discussion was held on advertising.

Compliance officer Michelle Metzinger left the meeting at 10:45 a.m.

Education director Karen Callahan joined the meeting at 10:54.

Election of officers was held. Motion by Wahlstrom, seconded by Krogman, to nominate Wordeman as Chairman with nominations cease. Motion carried. Motion by Cotton, seconded by Wahlstrom, to nominate Cotton as Vice-Chairman with nominations cease. Motion carried.

Karen Callahan will be leaving the Commission office on May 20th.

Beth Marnell joined the Commission meeting at 11:00 and will be replacing Karen Callahan as the education director.

The next regular meeting of the Commission will be held July 13 & 14, 2016.

There being no further business, motion by Wahlstrom, seconded by Krogman, to adjourn at 11:10 a.m. Motion carried.

Minutes submitted by Norma Schilling

Ryan Wordeman, Vice Chairman

Melissa Miller, Executive Director