

SOUTH DAKOTA REAL ESTATE COMMISSION
CAPITAL LAKE PLAZA
MAY 13, 2015
711 EAST WELLS AVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:32 a.m. on May 13, 2015. Present for the meeting were Chairman Matt Krogman and Commission members David Bonde, Paula Lewis, Mark Wahlstrom and Ryan Wordeman. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling, education director Karen Callahan and Department of Labor and Regulation legal counsel Aaron Arnold.

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

Motion by Bonde, seconded by Wahlstrom, to approve the amended minutes of the March 17, 2015 meeting following a change to page 2, paragraph 2, to read "seconded by Wordeman". Motion carried.

Motion by Wordeman, seconded by Lewis, to approve the financial reports for March & April 2015. Motion carried.

Motion by Wahlstrom, seconded by Bonde, to approve the consent agreement of James Trucano in Complaint 2015-073 to the following:

- a. Mr. Trucano will pay an administrative fine in the amount of \$100 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement.

Motion carried.

Motion by Wahlstrom, seconded by Wordeman, to approve the Assurance of Voluntary Compliance of C. Scott Johnston and Lorna Johnston in Complaint 2014-080 to the following:

- a. C. Scott Johnston and Lorna Johnston shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:

1. Agency – 6 hours.

The Johnstons shall submit written proof of completing the required education by June 30, 2015. For purposes of this Assurance, "in-classroom setting" means a class offered in the traditional classroom setting with the instructor and a body of students present in the same room. The courses may not be distance education offerings. The required course work will not count toward the Johnstons' continuing education requirement for maintaining their license.

- b. In the alternative to section (a) of this paragraph, C. Scott Johnston and Lorna Johnston may be granted credit for 3 hours of Agency course work for completing the fall caravan course "Real Estate Done Right".

If either C. Scott Johnston or Lorna Johnston elects to receive credit for the fall caravan, as described above, then they shall pay for, attend, and successfully complete the following

Commission approved education courses in an in-classroom setting:

1. Agency – 3 hours.

The Johnstons shall submit proof of completing the required education by June 30, 2015. For purposes of this Assurance, “in-classroom setting” means a class offered in the traditional classroom setting with the instructor and a body of students present in the same room. The courses may not be distance education offerings. The required course work and the 3 hours credit from the fall caravan will not count toward the Johnstons’ continuing education requirement for maintaining their license.

c. The Johnstons agree that if either person fails to comply with section 18(a) or 18(b) of this Assurance of Voluntary Compliance, then that person’s license will be suspended immediately, beginning the first full day after the Commission is made aware of the failure to comply, until section 18(a) or 18(b) has been fully complied with.

Motion carried.

The meeting recessed at 8:55 a.m. for the public hearing to adopt rules.

The meeting reconvened at 9:21 a.m.

Motion by Wahlstrom, seconded by Lewis, to approve the broker associate application of applicant No. 1. Motion carried.

Motion by Lewis, seconded by Wordeman, to approve the broker associate application of applicant No. 2. Motion carried.

Motion by Wordeman, seconded by Wahlstrom, to approve the broker associate application of applicant No. 3. Motion carried.

Motion by Bonde, to table the approval or denial of the broker associate application of applicant No. 4. Motion died for lack of a second. Motion by Wahlstrom, seconded by Wordeman, to approve the broker associate application of applicant No. 4. Motion carried.

Motion by Wordeman, seconded by Bonde, to approve the broker associate application of applicant No. 5. Motion carried.

Motion by Wahlstrom, seconded by Wordeman, to approve the broker associate application of applicant No. 6. Motion carried.

Motion by Lewis, seconded by Wahlstrom, to approve the home inspector application of applicant No. 7. Motion carried with Bonde voting Nay.

Motion by Wahlstrom, seconded by Bonde, to deny the request for an extension to the education requirement for Carmen Bickford Kuchenbecker. Motion carried.

Motion by Lewis, seconded by Wahlstrom, to deny the request for an extension to the education requirement for Matt Larson. Motion carried.

Motion by Wahlstrom, seconded by Lewis, to adopt the Findings of Fact and Conclusions of Law of Hearing Officer Hillary Brady and amend the Proposed Order to approve the application of Erik Meyer. Motion carried.

The executive director briefed the Commission on what other states have levied licensees as fines for failure to be in compliance with E & O, education, failing to disclose criminal history or unlicensed activity.

Discussion was held on possible legislation for 2016 regarding judgments and future legislation regarding advertising and restricted broker licenses. Commission staff was instructed to gather information on cost and timeframe for implementing a new exam for property managers and bring to the next Commission meeting.

The executive director gave an update on the 2105 ARELLO Mid-Year Meeting she attended.

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

Discussion was held on electronic signatures.

The next regular meeting of the Commission will be held July 15-16, 2015 in Pierre.

There being no further business, motion by Wahlstrom, seconded by Wordeman, to adjourn at 12:13 p.m.

Minutes submitted by Norma Schilling

Matt Krogman, Chairman

Melissa Miller, Executive Director