

SOUTH DAKOTA REAL ESTATE COMMISSION
JUNE 15 & 16, 2009
GOVERNOR'S INN
700 W SIOUX AVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:10 p.m. on June 15, 2009 in the Kneip Room of the Governor's Inn, Pierre, South Dakota. Present for the meeting were Chairman Eileen Fischer and commission members Dennis Eisnach, Brian Jackson, Charles Larkin and Paula Lewis. Also present were legal counsel Lindsey Riter-Rapp and Robert Riter, executive director Dee Jones Noordermeer and licensing program administrator Norma Schilling. Legal intern LeRae Hancock was present for the meeting on June 15, 2009.

Jeffrey Iverson and Alan Malavolti, attorney for Jeffrey Iverson, appeared before the commission to propose a Stipulation and Assurance of Voluntary Compliance in lieu of a formal hearing. Mr. Malavolti withdrew his motion for a continuance previously filed.

Motion made and seconded to enter into executive session at 1:25 p.m. Motion carried.

Motion made and seconded to come out of executive session at 2:15 p.m. Motion carried.

Motion made and seconded to deny the offer to enter into a Stipulation and Assurance of Voluntary Compliance and proceed with the formal hearing. Motion carried.

Hearing Examiner Hillary Brady at 2:25 p.m. convened the formal hearing on complaint #2009-016, SDREC vs. Jeffrey Iverson. Present for the hearing in addition to the members of the commission were legal counsel Lindsey Riter-Rapp and Robert Riter, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, court reporter Cheri Whittler, defendant Jeffrey Iverson and his attorney Alan Malavolti and witnesses Douglas Nelson, Angela Hagena, Scott Henderson, Mindy Kreeger, Wayne Wassink and Richard Landborg. The hearing closed at 8:30 p.m.

The meeting recessed at 8:35 p.m. and reconvened at 8:30 a.m. on June 16, 2009.

Motion made to approve the minutes of the May 6 & 7, 2009 meeting. Motion carried.

Motion made to accept the financial reports for April & May 2009. Motion carried.

Motion made to adopt the proposed budget for FY 2010. Motion carried.

Motion made and seconded to dismiss complaint #2009-018. Motion carried.

The Commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision on David Tingle. Following discussion, motion made and seconded to amend the proposed decision of Hillary Brady and revoke the license of David Tingle with the revocation to be held in abeyance for one year during which time Mr. Tingle must complete the 15 hour responsible broker course and 6 hours of license law within one year of date of order, no violations of license law for 1 year, pay a penalty of \$1,000, reimburse the Commission for all costs of the complaint and provide the Commission with the information needed to complete the audit.

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Should Mr. Tingle violate any of the above conditions within one year, his license will be revoked immediately and he will forfeit any option for any hearing or appeal of the revocation. If Mr. Tingle completes all steps then the order of revocation is dismissed. Motion carried.

Compliance officer Michelle Metzinger joined the meeting at 9:30 a.m.

Discussion was held on complaint #2009-021. Following discussion, motion made and seconded to hold an informal consultation. Motion carried.

Compliance officer Michelle Metzinger left the meeting at 10:15 a.m.

The Commission reviewed the Findings of Fact, Conclusions of Law and Proposed Decision on David Graham. Following discussion, motion made and seconded to amend the proposed decision of Hillary Brady and suspend the broker license of David Graham for 6 months with the suspension to be held in abeyance during which time Mr. Graham pay a penalty of \$250 and reimburse the Commission for all costs of the complaint within 30 days of the order and no violations of license law for 6 months. Should Mr. Graham violate any of the above conditions during the 6 month period, the suspension of his license will be immediate and he will forfeit any option for any hearing or appeal of the suspension. If Mr. Graham completes all steps then the order of suspension is dismissed. Motion carried.

The executive director informed the Commission that the rules had been approved by the Rules Review Committee and will be effective July 1, 2009.

Discussion was held on broker associate applications received prior to July 1, 2009 and if those individuals would be required to meet the post licensing education requirements if their license application is not approved before July 1, 2009. The Commission indicated that its intent is that those individuals would not need to fulfill the requirements for post licensing education.

The executive director reported on the South Dakota Auctioneers Association. The Association is working on defining an absolute auction and the intent of an absolute auction. The executive director informed the Commission that the auction forms will be revised.

Discussion was held on legal guidance during executive session. Legal counsel will research this and report to the Commission.

The executive director informed the Commission of the Investigator Workshop to be held September 1-4, 2009 in Little Rock, Arkansas and that she would like approval for the compliance officers and the executive director to attend. Motion made and seconded to submit a request for the compliance officers and the executive director to attend the Investigator Workshop. Motion carried.

The executive director informed the Commission that the ND/SD REALTORS Convention will be held September 16-19, 2009 in Watertown.

Motion made and seconded to enter into executive session at 11:10 a.m. Motion carried.

Motion made and seconded to come out of executive session at 11:35 a.m. Motion carried.

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Election of officers was held with a motion made and seconded to nominate Dennis Eischach as Chairman. Motion carried. Motion made and seconded to nominate Paula Lewis as Vice Chairman. Motion carried with Eischach elected as Chairman and Lewis as Vice Chairman.

Commission member Lewis inquired as to the status of the Commercial Task Force. The executive director will work on setting up another meeting with the Commercial Task Force.

The Commission watched the video from MAPP-SD which the SD Real Estate Commission approved a grant to provide the funds for production costs.

The next meeting of the Commission will be held August 12 & 13, 2009 in Pierre.

There being no further business, motion made and seconded to adjourn at 12 noon. Motion carried.

Eileen Fischer, 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 June 15 & 16, 2009.

Dee Jones Noordermeer, Executive Director