

SOUTH DAKOTA REAL ESTATE COMMISSION
KNEIP BUILDING
SEPTEMBER 7, 2016
700 GOVERNORS DRIVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 9:30 a.m. on September 7, 2016. Present for the meeting were Vice Chairman Ken Cotton and Commission members David Bonde, Matt Krogman and Mark Wahlstrom. Chairman Ryan Wordeman was not present for the meeting. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling and Department of Labor and Regulation Deputy Secretary Tom Hart.

Roll call of Commission members was heard.

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

Motion by Bonde, seconded by Wahlstrom, to approve the minutes of the July 14, 2016 meeting. Motion carried.

Motion by Krogman, seconded by Bonde, to approve the financial reports for July & August 2016. Motion carried.

Motion by Wahlstrom, seconded by Krogman, to approve the consent agreement for Kim Petit for violation of SDCL 36-21A-71(1), (2), & (30), SDCL 36-21A-130 and SDCL 36-21A-136. Ms. Petit agrees to the following:

- (a) Ms. Petit shall pay an administrative fine in the amount of \$1,000 to the Commission by October 31, 2016;
- (b) Ms. Petit shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:
 - 1. Contracts – 6 hours;
 - 2. Laws – 6 hours; and
 - 3. Agency – 6 hours.

Ms. Petit shall submit written proof of completing the required education by March 31, 2017. For purposes of this agreement, "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 Ms. Petit's continuing education requirement for maintaining her license;

- (c) Ms. Petit agrees that if she fails to comply with 17(a) of this Agreement, then she shall pay an additional administrative penalty in the amount of \$1,000, totaling \$2,000, to the Commission by November 30, 2016;
- (d) Ms. Petit agrees that if she fails to comply with 17(b) or 17(c) of this Agreement, then her license shall be immediately suspended starting April 15, 2017, through May 15, 2017.

Motion carried.

Motion by Wahlstrom, seconded by Bonde, to approve the consent agreement for Clint Ackerman for violation of SDCL 36-21A-71(1) and SDCL 36-21A-52. Mr. Ackerman 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 the consent agreement. Motion carried.

The executive director updated the Commission on changes that will be taking place regarding renewals. E & O insurance renewals will be handled directly through Rice Insurance Services Company starting this year. Licensees will also be able to print their licenses online.

The executive director is working on filling the position currently held by Norma Schilling due to her retirement on October 7, 2016.

Compliance officer Michelle Metzinger briefed the Commission on Complaint 2016-099.

Motion by Krogman, seconded by Wahlstrom, to dismiss Complaint 2016-099. Motion carried.

Compliance officer Michelle Metzinger left the meeting at 9:52 a.m.

The next regular meeting of the Commission will be held November 8 & 9, 2016.

Discussion was held on a request to make a change on the purchase agreement regarding closing and loan fees.

The Commission recessed at 10:00 a.m. and reconvened at 10:28 a.m.

The hearing on the application appeal of Cieara Hyronemus was convened at 10:30 a.m. with Hearing Examiner Catherine Duenwald of the Office of Hearing Examiners presiding. Present for the hearing were Vice Chairman Ken Cotton and Commission members David Bonde, Matt Krogman and Mark Wahlstrom, Department of Labor and Regulation Deputy Secretary Tom Hart, executive director Melissa Miller, licensing program administrator Norma Schilling, legal counsel Lindsey Riter-Rapp and Cieara Hyronemus. The hearing closed at 11:11 a.m.

Motion by Wahlstrom, second by Krogman, to enter into executive session at 11:17 a.m. pursuant to SDCL 1-25-2(3). Motion carried.

The Commission reconvened to regular session at 11:45 a.m.

There being no further business, motion by Bonde, seconded by Wahlstrom, to adjourn at 11:46 a.m. Motion carried.

Minutes submitted by Norma Schilling

Ken Cotton, Vice Chairman

Melissa Miller, Executive Director