

SOUTH DAKOTA REAL ESTATE COMMISSION
SEPTEMBER 8 & 9, 2008
FIRST GOLD HOTEL
270 MAIN STREET
DEADWOOD, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:35 a.m. on September 8, 2008 in the Terrace Ballroom of the First Gold Hotel, Deadwood, South Dakota. Present for the meeting were Chairperson Eileen Fischer and commission members Dennis Eisnach, Brian Jackson, Charles Larkin and Paula Lewis. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer and licensing program administrator Norma Schilling.

Motion made and seconded to approve the minutes of the August 4 & 5, 2008 meeting. Motion carried.

Motion made and seconded to accept the financial report for July 2008. Motion carried.

The executive director gave an update on the AMP advisory meeting she attended.

Discussion was held on information received from AMP regarding the exam scores. Following discussion, motion was made and seconded to have the executive director write a letter to Larry Fabrey, Senior Vice President, Psychometrics with AMP to change the exam scores to reflect a combined passed/failed report for the simulation exam and a separate pass/fail report for the multiple choice and State portion of the exams with this to be effective as soon as possible and if there is any concerns with this change to contact the Commission. Motion carried.

Discussion was held on the request of William Hone to reconsider the order entered by the Commission. Motion made and seconded to deny the request of William Hone. Motion carried.

Motion made and seconded to enter into executive session at 9:15 a.m. to review complaints. Motion carried.

Motion made and seconded to come out of executive session at 9:35 a.m. Motion carried.

A licensee appeared before the commission at 9:37 a.m. to discuss a proposal for a business model for firms. The licensee left at 10:10 a.m.

Dave Mortimer appeared before the commission at 10:22 a.m. to discuss unlicensed assistants hosting open houses and to make a recommendation that the Real Estate Commission review the possibility of offering a restricted broker's license for a "Residential Open House Specialist" for individuals wanting to host open houses. Following discussion, Mr. Mortimer was instructed that this may be an issue he needs to take before the industry as this will need to go through legislation. Mr. Mortimer left at 10:58 a.m.

Gina Hakim appeared before the commission at 11:00 a.m. to discuss her application for a broker associate license. Ms. Hakim left at 11:10 a.m.

The commission held further discussion on unlicensed assistants hosting open houses.

Motion made and seconded to approve the broker associate application of Gina Hakim. Motion carried.

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Complaint #2008-025, Ackerson vs. Realty Center/Reuter/Anderson. Motion made and seconded to dismiss the complaint. Motion carried.

Complaint #2008-027, Revira vs. Exit Realty Group, Inc./Cameron. Motion made and seconded to move to a formal hearing. Motion carried.

Complaint #2009-003, Thorne vs. Raben Real Estate/Pigsley/Raben. Motion made and seconded to dismiss the complaint. Motion carried.

Motion made and seconded to enter into executive session at 11:25 a.m. Motion carried.

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

Complaint #2008-029, Woolam vs. Hegg, REALTORS Inc./Sandberg/Hegg. Motion made and seconded to dismiss the complaint and have the executive director write a letter to Keith Sandberg. Motion carried.

Complaint #2009-001, Peterson vs. Prairie Winds REALTORS/Grave. Motion made and seconded to move to a formal hearing. Motion carried.

The commission reviewed the letter from Steve Folk requesting the commission lift the revocation of his license. Motion made and seconded to have legal counsel write Mr. Folk a letter informing him that when he pays the costs due that the commission will take his request under consideration. Motion carried.

The executive director informed the commission that East, Vander Woude & Co., PC will be conducting the audit of the Real Estate Commission.

The executive director updated the commission on her meeting with Secretary Paul Kinsman regarding proposed legislation.

The executive director informed the commission that she will be signing the agreement to extend the E & O program for 2009 with the premium cost of \$140.

The meeting recessed at 11:50 a.m. to attend the Regulators Conference sponsored by the Commission on Gaming.

The meeting reconvened at 10:00 a.m. on September 9, 2008.

Discussion was held on the number of complaints coming before the commission and a system to streamline the complaint process. The commission suggested the office staff email the complaints to the commission members to cut down on the amount of material mailed before each meeting.

Discussion was held on the conference they attended with the Commission on Gaming. It was suggested that the executive director contact the Office of Hearing Examiners to see if there is education available for the commission members on administrative hearings.

Discussion was held on the new forms the commission approved and the real estate offices are now using.

The next meeting of the commission will be held October 28 & 29, 2008 in Sioux Falls.

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There being no further business, motion made and seconded to adjourn at 10:55 a.m. Motion carried.

Eileen Fischer, Chairperson

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 September 8 & 9, 2008.

Dee Jones Noordermeer, Executive Director