

SOUTH DAKOTA REAL ESTATE COMMISSION  
SPECIAL TELEPHONIC MEETING  
OCTOBER 2, 2012  
221 WEST CAPITOL, STE 101  
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened telephonically at 1:30 p.m. on October 2, 2012. Present for the meeting were Chairman Doug Nelson and commission members Dennis Eismach, Matt Krogman and Paula Lewis. Commission member Mark Wahlstrom was not present for the meeting. Also present were executive director Melissa Miller, licensing program administrator Norma Schilling, Department of Labor and Regulation legal counsel Aaron Arnold, Department of Labor and Regulation public affairs director Dawn Dovre and compliance officer Michelle Metzinger.

Motion by Eismach, second by Krogman to approve the agenda following the move of item nine up on the agenda. Motion carried by roll call vote.

Discussion was held on proposed legislation.

Legal counsel Lindsey Riter-Rapp joined at 2:00 p.m.

Motion by Eismach, second by Krogman to enter into executive session at 2:10 p.m. pursuant to SDCL 1-25-2(3). Motion carried by roll call vote.

The commission reconvened to regular session at 2:20 p.m.

Motion by Eismach, second Krogman to have legal counsel negotiate a consent agreement for complaint 2012-041. Motion carried by roll call vote.

Commission member Eismach and legal counsel Lindsey Riter-Rapp left the meeting at 2:25 p.m.

The commission resumed discussion on legislation. Following discussion, motion by Krogman, second by Lewis to approve proposed legislation with the changes made by the commission. Motion carried by roll call vote.

Department of Labor and Regulation public affairs director Dawn Dovre and compliance officer Michelle Metzinger left the meeting at 3:00 p.m.

Motion by Krogman, second by Lewis, to enter into executive session at 3:00 p.m. pursuant to SDCL 1-25-2(3). Motion carried by roll call vote.

The commission reconvened to regular session at 3:15 p.m.

Motion by Krogman, second by Lewis to have legal counsel negotiate a consent agreement for complaint 2012-043. Motion carried by roll call vote.

Legal counsel was instructed to continue to negotiate a consent agreement for complaint 2012-005.

Motion by Lewis, second by Krogman to enter into executive session at 3:35 p.m. pursuant to SDCL 1-25-2(3). Motion carried by roll call vote.

The commission reconvened to regular session at 3:45 p.m.

Motion by Lewis, second by Krogman to accept the Rice Insurance Services Company E & O insurance proposal. Motion carried by roll call vote.

Motion by Krogman, second by Lewis to approve the consent agreement for David Schultz to the following:

- A. Mr. Schultz will comply with all laws and regulations relating to his profession under SDCL chapter 36-21A and ARSD article 20:69 for a period of one year beginning on the date of execution of this agreement;
- B. Mr. Schultz shall pay an administrative fine in the amount of \$500.00 to the Commission within 30 days after receipt of a copy of the executed Agreement, date of receipt proven by certified mail receipt; and
- C. Mr. Schultz will pay for, attend, and successfully complete 6 hours of Commission approved continuing education for home inspectors and provide written evidence of such compliance to the South Dakota Real estate Commission by November 30, 2012. The required course work will not count toward Mr. Schultz' Continuing Education requirement for maintaining his license and cannot be completed at the South Dakota School of Real Estate.

Motion carried by roll call vote.

Motion by Krogman, second by Lewis to approve the consent agreement of Ramona Flaig to the following:

- A. Ms. Flaig will comply with all laws and regulations relating to her profession under SDCL chapter 36-21A and ARSD article 20:69 for a period of one year beginning on the date of execution of this agreement; and
- B. Ms. Flaig will pay for, attend, and successfully complete 3 hours of Commission approved continuing education in licensing law and 3 hours of Commission approved continuing education in property management. Ms. Flaig will provide written evidence of such compliance to the South Dakota Real Estate Commission by June 30, 2013. The required course work will not count toward Ms. Flaig's Continuing Education requirement for maintaining her license and cannot be completed at the South Dakota School of Real Estate.

Motion carried by roll call vote.

Motion by Krogman, second by Lewis to approve the consent agreement of David Graham to the following:

- A. Mr. Graham shall pay an administrative fine in the amount of \$1,000.00 to the Commission by July 31, 2012.

Motion carried by roll call vote.

The next meeting of the Commission will be held telephonically on October 11, 2012.

There being no further business, motion by Lewis, second by Krogman to adjourn at 3:55 p.m.  
Motion carried by roll call vote.

Minutes submitted by Norma Schilling

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Doug Nelson, Chairman

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Melissa Miller, Executive Director