

SOUTH DAKOTA REAL ESTATE COMMISSION
TELEPHONIC MEETING
NOVEMBER 13, 2014
221 W CAPITOL, STE 101
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 9:30 a.m. on November 13, 2014. Present for the meeting was Commission member David Bonde. Commission chair Matt Krogman and commission members Mark Wahlstrom, Paula Lewis, Matt Krogman and Ryan Wordeman appeared telephonically. Also present were executive director Melissa Miller, Department of Labor and Regulation legal counsel Aaron Arnold, and Michelle Metzinger. Compliance officer Brian Jackson appeared telephonically.

Motion by Lewis, seconded by Bonde, to approve the agenda as presented. Motion carried by roll call vote.

Motion by Lewis, seconded by Bonde, to approve the minutes of the September 24, 2014 meeting. Motion carried by roll call vote.

Motion by Bonde, seconded by Wordeman, to approve the financial reports for September & October 2014. Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Lewis, to accept the consent agreement of Matt Larson in Complaint 2013-069 to the following:

Mr. Larson shall pay an administrative fine in the amount of \$2,500.00 to the Commission by January 31, 2015; and

Mr. Larson shall pay for, attend, and successfully complete the following Commission approved education courses in an in-classroom setting:

1. Responsible Broker Course – 15 Hour.

Mr. Larson shall submit written proof of completing the required education by May 31, 2015. The required course work will not count toward Mr. Larson's continuing education requirements for maintaining his license and cannot be completed at the South Dakota School of Real Estate.

Mr. Larson agrees that if Mr. Larson fails to comply with sections 20(b) and 20(c) of the Consent Agreement, then Mr. Larson's license will be suspended immediately until he has fully complied with both requirements.

Motion carried by roll call vote.

Motion by Wordeman, seconded by Wahlstrom, to accept the consent agreement of Ted Thoms Complaint 2015-007 to the following:

Respondent will pay an administrative fine in the amount of \$100.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement; and

Respondent understands that the terms of this Consent Agreement will be public, which includes publishing a summary of the action taken in the Commission's newsletter.

Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Lewis, to accept the consent agreement of Meredith Lee Complaint 2015-009 to the following:

Respondent will pay an administrative fine in the amount of \$500.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement; and
Respondent understands that the terms of this Consent Agreement will be public, which includes publishing a summary of the action taken in the Commission's newsletter.

Motion carried by roll call vote.

Motion by Bonde, seconded by Wordeman, to accept the consent agreement of Kim Benning Complaint 2015-010 to the following:

Respondent will pay an administrative fine in the amount of \$100.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement; and
Respondent understands that the terms of this Consent Agreement will be public, which includes publishing a summary of the action taken in the Commission's newsletter.

Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Bonde, to accept the consent agreement of Kari Bartling-Somsen Complaint 2015-012 to the following:

Respondent will pay an administrative fine in the amount of \$100.00 to the South Dakota Real Estate Commission within 15 days of receipt of a signed copy of this Consent Agreement; and
Respondent understands that the terms of this Consent Agreement will be public, which includes publishing a summary of the action taken in the Commission's newsletter.

Motion carried roll call vote.

Executive Director Melissa Miller briefed the Commission on complaint 2015-006.

Compliance officer Brian Jackson briefed the Commission on complaint 2015-008.

Compliance officer Michelle Metzinger briefed the Commission on complaint 2015-011.

Motion by Wahlstrom, seconded by Wordeman, to approve the application of applicant #1. Motion carried by roll call vote.

Motion by Bonde, seconded by Lewis, to deny the application of applicant #2. Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Wordeman, to approve the application of applicant #3. Motion carried by roll call vote.

Motion by Bonde, seconded by Wahlstrom, to table the application of applicant #4 to the January 2015 meeting. Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Bonde, to approve the application of applicant #5. Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Bonde, to enter into executive session at 11:00 a.m. pursuant to SDCL 1-25-2(3). Motion carried by roll call vote.

The Commission reconvened to regular session at 11:50 a.m.

Motion by Wahlstrom, seconded by Bonde, to have legal counsel negotiate a consent agreement with the licensee named in complaint 2015-006. Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Bonde, to dismiss complaint 2015-008. Motion carried by roll call vote.

Motion by Wahlstrom, seconded by Wordeman, to have legal counsel negotiate a consent agreement with the licensees named in complaint 2015-011. Motion carried by roll call vote.

Motion by Wahlstrom, second by Bonde, to adopt the Findings of Fact and Conclusion of Law & amend the proposed decision given by Administrative Law Judge Hilary Brady to approve the application for Gabrielle McIntosh. Motion carried by roll call vote.

Motion by Wahlstrom, second by Bonde, to deny the request for experience waiver. Motion carried by roll call vote.

The next regular meeting of the Commission will be held January 7-8, 2015.

There being no further business, motion by Bonde, seconded by Wahlstrom, to adjourn at 12:20 p.m. Motion carried by roll call vote.

Minutes submitted by Michelle Metzinger

Matt Krogman, Chairman

Melissa Miller, Executive Director