

Meeting Minutes
South Dakota Real Estate Commission

November 13, 2019 8:30 a.m. CDT

Chairman Ryan Wordeman called the meeting to order at 8:30 a.m. A quorum was participating.

Members Participating: Ryan Wordeman
Ken Cotton
Dave Bonde
Carol Lawhun
Mark Wahlstrom

Others Participating: Melissa Miller, Executive Director, SDREC
Graham Oey, Staff Attorney, South Dakota Department of Labor and Regulation
Tim Bond, Compliance Auditor, SDREC

Wahlstrom made a motion to approve the agenda. Bonde seconded the motion. Wordeman called for a vote. **MOTION PASSED.**

Public Comment – None.

Wahlstrom made motion to approve the September meeting minutes. Lawhun seconded the motion. Wordeman called for a vote. **MOTION PASSED.**

Bonde made motion to approve the October Public Rules Hearing meeting minutes (with changes by adding meeting to the second paragraph after the word “the” and changing call to called in paragraph 7, 9 and 10). Cotton seconded the motion. Wordeman called for a vote. Wahlstrom abstained. **MOTION PASSED.**

Summary of the financials for September and October was presented by Director Miller. Bonde made a motion to acknowledge receipt of financials and to file. Cotton seconded the motion. Wordeman called for a vote. **MOTION PASSED.**

A new application was discussed and reviewed with the following action taken:
Motion by Wahlstrom to deny the application. Bonde seconded the motion. Wordeman called for a vote. **MOTION PASSED.**

Complaint 2019-113

A discussion was held about a future hearing and the complaint was tabled. Attorney, Graham Oey explained to the process and options for the hearing to the commission members. Oey indicated he would coordinate with the Hearing Examiners Office and opposing counsel to set a hearing date.

Complaint 2019-121 / In the Matter of Applause Real Estate/Clapper

Lawhun made a motion to dismiss complaint 2019-121. Wahlstrom seconded the motion. Wordeman called for a vote. **MOTION PASSED.**

Complaint 2020-001 / In the Matter of Sheets

Lawhun recused herself from discussion and voting. Wahlstrom made a motion to approve the consent agreement. Cotton seconded the motion. Wordeman called for a roll call vote.

MOTION PASSED. (Wahlstrom – yea; Bonde – yea; Cotton – yea; Lawhun – recused; Wordeman – yea)

Complaint 2020-002 / In the Matter of Keller Williams Realty Sioux Falls/Jordan

Cotton made a motion to dismiss complaint 2020-002. Lawhun seconded the motion. Wordeman called for a vote. **MOTION PASSED.**

A discussion was held on the Bornitz Petition of Declaratory Ruling. Documents submitted by Bornitz and Oey had been reviewed by the Commission members.

Cotton made a motion to issue a declaratory ruling stating that a license that has been expired for 6 months is unable to be rewed under SDCL 36-21A-66 and former licensee who is subject to SDCL 36-21A-66 must restart the license process including taking education and examination. Bonde seconded the motion. Wordeman called for a roll call vote. **MOTION PASSED.** (Wahlstrom – yea; Bonde – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

A discussion was held about 2020 meeting dates.

A discussion was held on statue 36-21A-52. We will look to make updates to this statute in 2020 and discuss it with SDAR.

Bonde made a motion to adjourn the meeting at 9:50 a.m. Lawhun seconded the motion. Wordeman called for a vote. **MOTION PASSED.**

Meeting Adjourned.