

SOUTH DAKOTA REAL ESTATE COMMISSION
NOVEMBER 14 & 15, 2013
KNEIP BUILDING, CONFERENCE ROOM #3
700 GOVERNORS DR
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 8:18 a.m. on November 14, 2013. Present for the meeting were Chairman Mark Wahlstrom and commission members, Matt Krogman, Doug Nelson, David Bonde and Paula Lewis. Also present were executive director Melissa Miller, Department of Labor and Regulation legal counsel Aaron Arnold and compliance officer Michelle Metzinger.

Motion by Nelson, second by Krogman, to approve the agenda as presented. Motion carried.

Motion by Lewis, second by Bonde, to approve the minutes of the September 12, 2013, meeting. Motion carried.

Motion by Nelson, second by Krogman, to approve the minutes of the October 3, 2013, meeting. Motion carried.

Motion by Bonde, second by Nelson, to approve the minutes of the October 21, 2013, meeting. Motion carried.

Motion by Krogman, second by Bonde, to approve the financial reports for September and October 2013. Motion carried.

Hearing examiner Hillary Brady at 8:40 a.m. convened the formal hearing on complaint #2013-001 In the Matter of Jonathan Sweets & Joan Cota. Present for the hearing in addition to the commission members were legal counsel Lindsey Riter-Rapp, executive director Melissa Miller, compliance officer Michelle Metzinger, court reporter Cheri Wittler, Respondent Jonathan Sweets, Respondent's attorney Eric Shulte, Respondent Joan Cota, Respondent's attorney, Stephen Landon and witnesses Brian Jackson, Jay Hoover, John Buckmiller, Janet Buckmiller, Janis Tweedy.

The hearing recessed at 12:25 p.m.

The hearing reconvened at 1:25 p.m.

The hearing recessed at 6:37 p.m.

Hearing examiner Hilary Brady at 8:36 a.m., November 15, 2013, reconvened the formal hearing on complaint #2013-001 In the Matter of Jonathan Sweets & Joan Cota. Present were commission members, legal counsel Lindsey Riter-Rapp, executive director Melissa Miller, court reporter Cheri Wittler, Respondent Jonathan Sweets, Respondent's attorney Eric Shulte, Respondent Joan Cota, Respondent's attorney, Stephen Landon and witness Mindy Viereck, Jonathan Sweets, Joan Cota. The hearing closed at 1:02 p.m.

Compliance officer Brian Jackson joined the meeting at 1:13 p.m.

Motion by Nelson, second by Krogman, to enter into executive session at 1:14 p.m. to discuss complaint 2013-001, pursuant to SDCL 1-25-2(3). Motion carried. Compliance officer Brian Jackson left the meeting at 1:14 p.m.

The Commission reconvened to its regular session at 1:58 p.m.

Compliance officer Brian Jackson rejoined the meeting at 1:58 p.m.

Discussion was held by the Commission regarding application approval/denials.

Motion by Nelson, second by Bonde, to deny the residential rental agent application of Lisa Graf. Motion carried.

Motion by Nelson, second by Krogman, to deny the residential rental agent application of Bobbi Joyce. Motion carried.

Motion by Bonde, second by Nelson, to deny the broker associate application of Bonnie Koch. Motion carried.

Motion by Nelson, second by Krogman, to deny the residential rental agent application of Sonja Thomas. Motion carried.

Motion by Nelson, second by Bonde, to send a letter to the responsible broker regarding 36-21A-55. Motion carried.

Motion by Nelson, second by Krogman to send a letter to the responsible broker regarding 36-21A-55. Motion carried.

Motion by Nelson, second by Krogman, to enter into executive session at 2:30 p.m. to discuss complaint 2013-068, pursuant to SDCL 1-25-2(3). Motion carried. Compliance officer Brian Jackson left the meeting at 2:45 p.m.

The Commission reconvened to its regular session at 3:13 p.m.

Compliance Officer Brian Jackson rejoined the meeting at 3:13 p.m.

Motion by Nelson, second by Lewis, instructing legal counsel to negotiate a consent agreement for complaint 2013-068. Motion carried.

Executive Director, Melissa Miller presented two signed assurance of voluntary compliances to the Commission for review. Discussion was held by the Commission.

Motion by Krogman, second by Bonde, to approve the assurance of voluntary compliance for Victoria Kollbaum. Motion carried.

Motion by Krogman, second by Lewis, to approve the assurance of voluntary compliance for Cynthia Kenzy. Motion carried.

Discussion and review was held regarding the real estate transaction submitted to the commission from a licensee.

Motion by Nelson, second by Bonde, instructing Executive Director Melissa Miller to file a formal complaint regarding the transaction submitted for review by the Commission. Motion carried.

Department of Labor and Regulation public affairs director Dawn Dovre joined the meeting at 3:20 p.m

Executive Director Melissa Miller gave an update on proposed legislation.

Compliance Officer Brian Jackson gave an update on the forms task force.

Executive Director Melissa Miller gave an update on post licensing education.

Discussion was held regarding correspondence received from a complainant regarding the dismissal of a complaint.

Department of Labor and Regulation public affairs director Dawn Dovre left the meeting at 3:35 p.m.

Compliance Officer Brian Jackson disbursed copies of the 2013 ARELLO Case Law Review to the Commission.

The next meeting of the Commission will be held January 8-9 2014, in Pierre.

Motion by Nelson, second by Krogman, to adjourn at 3:46 p.m. Motion carried.

Minutes submitted by Brian Jackson.

Mark Wahlstrom, Chairman

Melissa Miller, Executive Director