

SOUTH DAKOTA REAL ESTATE COMMISSION  
NOVEMBER 30 & DECEMBER 1, 2011  
KNEIP BUILDING  
700 GOVERNORS DR  
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:00 p.m. on November 30, 2011. Present for the meeting were Chairman Charles Larkin and commission members Dennis Eisnach, Paula Lewis, Douglas Nelson and Mark Wahlstrom. Also present were executive director Melissa Miller, Department of Labor and Regulation legal counsel Aaron Arnold, and compliance officer Michelle Metzinger.

Motion made by Wahlstrom, seconded by Nelson to approve the minutes of the October 12, 2011 meetings. Motion carried.

Motion made by Eisnach, seconded by Nelson to approve the agenda. Motion carried.

Motion made by Wahlstrom, seconded by Nelson to accept the financial reports for October 2011. Motion carried.

Discussion was held regarding disciplinary action education requirements.

Brian Jackson joined the meeting at 1:35 p.m.

Complaint 2012-001 Informal Consultation: Scott Grebner appeared before the Commission for an informal consultation. Mr. Grebner waived his right to an attorney and appeared pro se. A discussion was held between the Commission and Mr. Grebner regarding the facts surrounding Complaint 2012-001.

Motion made by Eisnach, seconded by Nelson to enter into executive session for deliberation purposes. Motion carried.

The Commission reconvened to regular session.

Motion made by Nelson, seconded by Eisnach to dismiss complaint 2012-001. Motion carried.

Request for Experience Waiver: Ann Roby appeared before the Commission to request an experience waiver for the requirements of being a Responsible Broker. A discussion was held between the Commission and Ms. Roby regarding her request for an experience waiver.

Motion made by Eisnach, seconded by Nelson to enter into executive session for deliberation purposes. Motion carried.

The Commission reconvened to regular session.

Motion made by Nelson, seconded by Lewis, to deny the experience waiver for Ann Roby, broker associate Roby Realtors. Motion carried.

Motion made by Larkin, seconded by Eisnach to enter into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel about proposed litigation. Motion carried.

The Commission reconvened to regular session.

Motion made by Nelson, seconded by Eisnach to dismiss compliant 2012-002. Motion carried.

Conditional Application of Diane Byrd: Diane Byrd, Bo Hauer, Marty Wilcox and Lisa Mueller-Cox appeared before the Commission to request approval of Ms. Byrd's application for conditional approval. A discussion was held between the Commission, Ms. Byrd, and her advocates regarding her application for conditional approval.

Motion made by Nelson, seconded by Eisnach to enter into executive session for deliberation purposes. Motion carried.

The Commission reconvened to regular session.

Motion made by Eisnach, seconded by Nelson to approve the conditional application of Diane Byrd. Motion carried.

Motion made by Wahlstrom, seconded by Eisnach to enter into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel about proposed litigation. Motion carried.

The Commission reconvened to regular session.

Motion made by Wahlstrom, seconded by Nelson on complaint 2012-003 to approve legal counsel Aaron Arnold to negotiate terms of a consent agreement. Motion carried.

The meeting recessed at 4:50 p.m. on November 30, 2011 and reconvened at 8:30 a.m. on December 1, 2011.

Lindsey Riter-Rapp joined the meeting at 8:30 a.m. on December 1, 2011.

Legal counsel Lindsey Riter-Rapp updated the Commission on the Joel Willette stipulation.

Legal counsel Lindsey Riter-Rapp updated the Commission on the Paul Vallette complaint.

Legal counsel Lindsey Riter-Rapp updated the Commission on the Jerad Rokusek appeal.

Legal counsel Lindsey Riter-Rapp updated the Commission on the Cheri St. Pierre appeal.

Legal counsel Lindsey Riter-Rapp updated the Commission on the Stephanie Dannen non compliance of the stipulation and assurance of voluntary compliance.

Motion made by Wahlstrom, seconded by Eisnach to approve an extension to the consent order for Harvey Youngberg to March 1, 2012. Motion carried.

An update on unlicensed activity was given by executive director Melissa Miller.

An update on the specialized real estate advisory group was given by executive director Melissa Miller.

Department of Labor and Regulation public affairs director Dawn Dovre joined the meeting at 9:30 a.m.

Discussion was held regarding the development of a legislative task force.

The executive director and Commission member Lewis updated the Commission on the status of the 2012 ARELLO District 2 & 3 Conference to be held in Rapid City June 5-7, 2012.

Discussion was held regarding the complaint process and electronic commission packets.

Discussion was held regarding schedules for future meetings.

Discussion was held regarding errors and omissions coverage for out of state licensees.

Motion made by Nelson, seconded by Eisnach to approve Commissioner Lewis to attend the ARELLO 2012 Leadership Symposium in Fort Myers, Florida. Motion carried.

Discussion was held regarding virtual office websites and updating the internet best practices recommended guidelines from ARELLO.

The next meeting of the Commission will be held February 2, 2012 in Pierre.

There being no further business, motion made by Nelson, seconded by Wahlstrom to adjourn at 11:20 a.m. Motion carried.

Minutes submitted by Michelle Metzinger

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Charles A. Larkin, Chairman

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Melissa Miller, Executive Director