

SOUTH DAKOTA REAL ESTATE COMMISSION  
DECEMBER 1 & 2, 2010  
HOLIDAY INN EXPRESS  
110 EAST STANLEY  
FORT PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:00 p.m. on December 1, 2010, at the Holiday Inn Express, SD. Present for the meeting were Chairman Paula Lewis and commission members Eileen Fischer, Charles Larkin, Dennis Eisnach. Also present were legal counsel Lindsey Riter-Rapp, executive director Dee Jones Noordermeer and compliance officer Michelle Metzinger.

Motion made and seconded to approve the minutes of the October 6 & 7, 2010 Meeting minutes. Motion carried.

Motion made and seconded to accept the financial reports for September & October 2010. Motion carried.

Discussion was held on the status of the Sioux Falls compliance officer position.

Motion made and seconded to enter into executive session at 1:22 p.m.

The informal consultation on complaint 2010-021 was convened at 1:23 p.m. Present for the consultation in addition to the commission members were legal counsel Lindsey Riter-Rapp, executive director Dee Jones Noordermeer, compliance officer Michelle Metzinger, complainant Bo Hauer, complainant Dave Mortimer, respondent Russ Scheetz and Tony Marshall. The informal consultation closed at 3:10 p.m.

Chairman Paula Lewis at 3:20 p.m. convened the request for a conditional approval for David Shelton. Those present for the meeting in addition to the members of the commission were legal counsel Lindsey Riter-Rapp, executive director Dee Jones Noordermeer, compliance officer Michelle Metzinger and applicant David Shelton. The request closed at 3:45 p.m.

The Commission came out of executive session at 4:00 p.m.

Motion made and seconded to approve the conditional approval for David Shelton. Motion carried.

Motion made and seconded to issue letters of reprimand to Bo Hauer, David Mortimer and Russell Scheetz as a result of the informal consultation complaint #2010-021. Motion carried.

Motion made and seconded to file a formal complaint against Kathy Allen in complaint #2011-006. Motion carried.

Motion made and seconded to file a formal complaint against Bill Jensen in complaint #2011-006. Motion carried.

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Motions made and seconded to dismiss the responsible brokers from complaint #2011-006. Motion carried.

Motion made and seconded to dismiss complaint #2011-007. Motion carried.

Motion made and seconded to dismiss complaint #2011-008. Motion carried.

Motion made and seconded to dismiss Bruce Curington complaint #2010-018. Motion carried.

Motion made and seconded to dismiss Andy Knight complaint #2010-018. Motion carried.

Motion made and seconded for a continuance on complaint #2010-018, SDREC vs Joe Vallette. Motion carried.

Chairman Paula Lewis at 4:30 p.m. convened the request for an experience waiver for Danielle Merrow. Those present for the meeting in addition to the members of the commission were legal counsel Lindsay Riter-Rapp, executive director Dee Jones-Noordermeer, compliance officer Michelle Metzinger and licensee Danielle Merrow. The request closed at 4:45 p.m.

Motion made and seconded to approve the experience waiver for Danielle Merrow. Motion carried.

Meeting recessed at 5:00 p.m. to reconvene at 8:30 a.m. on December 2, 2010.

Brian Jackson entered the meeting at 8:30 a.m.

Michelle Kleven, Executive Vice President of the South Dakota Association of REALTORS® entered the meeting at 8:30 a.m.

Brian Jackson left the meeting at 9:00 a.m.

Karen Callahan education director entered the meeting at 9:00 a.m.

Discussion was held regarding proposed South Dakota Association of REALTORS®' legislation.

Motion made and seconded to support the proposed South Dakota Association of REALTORS®' legislation.

Ms. Kleven left the meeting at 9:05 a.m.

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Hearing Examiner Hilary Brady at 9:10 a.m. convened the formal hearing on complaint 2011-009, SDREC vs Dean Gulbranson. Present for the meeting in addition to the commission members were legal counsel Lindsey Riter Rapp, Dee Jones Noordermeer executive director, compliance officer Michelle Metzinger, court reporter Carla Bachand, licensee Dean Gulbranson, and education director Karen Callahan. The hearing closed at 9:55 a.m.

Karen Callahan education director left the meeting at 9:30 a.m.

Motion made and seconded to enter into executive session at 10:10 a.m. Motion carried.

The commission came out of executive session at 10:50 a.m.

The commission review of the Findings of Fact, Conclusions of Law & Proposed Decision for Raymond Heyer was tabled until the February meeting so that Commissioner Eisnach can read the transcript from the hearing.

The commission reviewed the Findings of Fact, Conclusions of Law & Proposed Decision for Adolph Hepper. Following discussion, motion made and seconded to suspend the broker's license of Adolph Hepper with the license suspension to be held in abeyance until December 22, 2011, upon Mr. Hepper's successful completion of the following terms and conditions: (1) Pay costs incurred by the South Dakota Real Estate Commission within 30 days of the date of the Order, and (2) Within 6 months of the date of the Order, attend, pay for and successfully complete 6 hours of an agency course, in addition to that continuing education required by law. Should Mr. Hepper not comply with the terms of the Order, his license shall be immediately suspended until December 22, 2011. Motion carried with Commissioner Fischer abstaining and Commissioner Eisnach, participating in the vote having read the transcript of the hearing.

Discussion was held regarding proposed South Dakota Real Estate Commission legislation.

Discussion was held on cases on appeal.

Dee Jones Noordermeer, executive director, gave an update on online renewal.

The executive director presented the proposed auction forms.

Motion made and seconded to adopt the proposed auction forms effective December 8, 2010 to coincide with administrative rules going into effect on that date. Motion carried.

Discussion was held on reviewing short sale & multiple offer forms. The executive director will conduct further research and will make a recommendation at the next meeting.

The next meeting of the Commission will be held February 2 & 3, 2010 in Pierre.

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There being no further business, motion made and seconded to adjourn at 12:10 p.m.  
Motion carried.

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Paula Lewis, Chairman

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Dee Jones Noordermeer, Executive Director

I, Dee Jones Noordermeer, hereby certify that the above is a true and correct copy of the minutes of the South Dakota Real Estate Commission meeting held on December 1 & 2, 2010.

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Dee Jones Noordermeer, Executive Director