

SOUTH DAKOTA REAL ESTATE COMMISSION
DECEMBER 17 & 18, 2008
CAPITOL LAKE PLAZA
711 EAST WELLS AVE
PIERRE, SOUTH DAKOTA

The South Dakota Real Estate Commission convened at 1:05 p.m. on December 17, 2008 in Conference Room 240 of the Capitol Lake Plaza, Pierre, South Dakota. Present for the meeting were Chairman Eileen Fischer and commission members Dennis Eisnach, Brian Jackson and Paula Lewis. Commission member Charles Larkin was absent for the meeting. Also present were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling and compliance officers Michelle Metzinger and Angela Madsen.

Motion made and seconded to approve the minutes of the October 28 & 29, 2008 meeting.
Motion carried.

Motion made and seconded to accept the financial reports for October and November 2008.
Motion carried.

The commission staff updated the commission members on the status of license renewals.

Hearing Examiner Hillary Brady at 1:30 p.m. convened the formal hearing on complaint #2008-026, SDREC vs. Scott Lloyd. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, compliance officer Michelle Madsen, court reporter Carla Bachand and witnesses Jeff Iverson, Wayne Wassink and compliance officer Angela Madsen. Defendant Scott Lloyd was not present for the hearing. The hearing closed at 2:30 p.m.

Motion made and seconded to enter into executive session at 2:42 p.m. to review complaints.
Motion carried.

Motion made and seconded to come out of executive session at 2:55 p.m. Motion carried.

Complaint #2009-004, MFS Inc. & Spenser Leasing vs. The Gabriel Group/Pietruszkiewicz/Seeman. Motion made and seconded to dismiss the complaint. Motion carried.

Complaint #2009-011, Jurisch vs. Bradeen Real Estate & Auction, Inc. & The Real Estate Center of Custer/Bradeen. Motion made and seconded to move to a formal hearing. Motion carried.

The commission set future meeting dates.

Michelle Kleven, executive vice president of the South Dakota Association of REALTORS, joined the meeting at 3:15 & Karen Callahan, education director, joined the meeting at 3:25 p.m. to discuss proposed legislation on responsible broker course waiver with completion of the course within 6 months of opening new office, broker forming a corporation or LLC for receiving

a commission, increasing prelicensing education to 116 hours and post licensing education of 60 hours.

Dusty Johnson, Chairman of the Public Utilities Commission, joined the meeting at 3:40 p.m. to discuss legislation on energy efficiency disclosure on new and existing homes that are being sold. Mr. Johnson left the meeting at 4:25 p.m.

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Discussion was held on proposed legislation on unprofessional conduct by a licensee on a real estate appraisal and state and federal criminal background checks.

Michelle Kleven left the meeting at 4:45 p.m.

The meeting recessed at 4:50 p.m. and reconvened at 8:25 a.m. on December 18, 2008.

Discussion was held on the additional fees from AMP to add more questions to the broker exam and to produce an additional score report for the State portion of the exam. A telephonic call was held at 8:34 a.m. with Dr. Larry Fabrey of AMP regarding these changes. The commission will discuss this further and make a decision on the proposed changes.

Hearing Examiner Hillary Brade at 9:05 a.m. convened the formal hearing on complaint #2008-027, SDREC vs. Exit Realty Group/Price/Cameron. Present for the hearing in addition to the members of the commission were legal counsel Jim Robbennolt, executive director Dee Jones Noordermeer, licensing program administrator Norma Schilling, court reporter Carla Bachand and defendant Richard Price. Witness Abram Revira appeared telephonically. Defendant Terry Cameron failed to appear for the hearing. The hearing closed at 9:45 a.m.

Compliance officer Angela Madsen updated the commission on her new office location and informed them that her file cabinets will not fit into her office due to the size of her office. Commission member Jackson will check with Petroleum Release Compensation as to whether they may have room for Angela to move to that location.

Further discussion was held on legislation and legal counsel was instructed to check on rule making authority for the commission.

Discussion was held on the telephonic call with Dr. Larry Fabrey of AMP regarding the changes to the broker exam.

Discussion was held on the duties of unlicensed assistants. Motion made and seconded to leave position on unlicensed assistants as is. Motion carried.

Karen Callahan, education director, joined the commission meeting at 10:35 a.m. to ask the commission for their view on a course application she has received. Following discussion, motion made and seconded to deny the course as it does not fit the commission's criteria for course approval. Motion carried.

Karen left the meeting at 10:55 a.m.

Jeff Stanton appeared before the commission at 11:00 a.m. on an appeal on the denial of his broker associate application. Mr. Stanton left at 11:17 a.m.

Jeremy Rohrich appeared before the commission at 11:20 a.m. on his application for conditional approval. Mr. Rohrich left at 11:30 a.m.

Theodore Nock, Jr. appeared before the commission at 11:30 a.m. on his application for conditional approval. Mr. Nock left at 11:38 a.m.

Following discussion, motion made and seconded to approve the broker associate application of Jeff Stanton. Motion carried.

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Following discussion, motion made and seconded to deny the application for conditional approval of Jeremy Rohrich until he has completed his probation and judgments are satisfied at which time he can reapply. Motion carried.

Following discussion, motion made and seconded to deny the application for conditional approval of Theodore Nock, Jr. until he has completed his probation and judgments are satisfied at which time he can reapply. Motion carried.

The commission reviewed a letter drafted by the executive director to the Department of Justice on minimum services. The commission gave the executive director approval on the letter.

Commission member Dennis Eismann left the meeting at 11:45 a.m.

Electronic records storage was tabled to the next meeting.

Legal counsel Jim Robbennolt left the meeting at 12:00 noon.

Discussion was held on the impact on current fiscal restrictions. Following discussion, motion made and seconded that the commission deems it necessary for the executive director and commission member Paula Lewis remain on the leadership committees of ARELLO and submit a request for them to attend the conferences. Motion carried.

Discussion was held on issues involved with the current fiscal restrictions.

The next meeting of the commission will be February 4 & 5, 2009 in Pierre.

There being no further business, motion made and seconded to adjourn at 12:25 p.m. Motion carried.

Eileen Fischer, Chairman

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 17 & 18, 2008.

Dee Jones Noordermeer, Executive Director