

Meeting Minutes
South Dakota Real Estate Commission
123 W Missouri Ave
Pierre, SD 57501
May 9, 2018 8:30 a.m. CDT

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

Members Participating: Ryan Wordeman
Mark Wahlstrom
Ken Cotton

Members Absent: Dave Bonde
Matt Krogman

Others Participating: Melissa Miller, Executive Director, SDREC
Michelle Metzinger, Compliance Officer, SDREC
Graham Oey, Staff Attorney, South Dakota Department of Labor
and Regulation
Cindy Nickels, Licensing Program Administrator, SDREC
Brian Jackson, Compliance Officer, SDREC (telephonically)
Bob Mercer, The Daily Republican

Wahlstrom made a motion to approve the agenda as presented. Wordeman seconded the motion. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Cotton called for a motion to approve the minutes from previous meeting. Wahlstrom commented the previous meeting minutes regarding the financial reports be amended with to read approve the financial reports for filing. Wordeman made a motion to approve the March 15, 2018 meeting minutes with this change. Wahlstrom seconded the motion. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Miller provided a summary of the financials for March 2018 and April 2018.

Wahlstrom made a motion to approve financial reports for filing. Wordeman seconded the motion. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Miller informed the commission the consent agreements for the commission's consideration as item 6 on the agenda had been offered to licensees who were performing real estate brokerage activity beyond the month in which a license lapses for non-payment of renewal fees, and/or not filing/completing the required continuing education (SDCL 36-21A-61, 36-21A-62, 36-21A-64); or failure to reconcile a trust account at least monthly (SDCL 36-21A-80). Failure to maintain individual ledger sheets, deposit slips, check registers or bank statements of any trust account. (SDCL 36-21A-82).

Wordeman made a motion to approve citation 2018-090. Wahlstrom seconded the motion. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Wahlstrom made a motion to approve citation 2018-088. Wordeman seconded the motion. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Wordeman made a motion to approve citation 2018-063. Wahlstrom seconded the motion. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Wahlstrom made a motion to approve citation 2018-081. Wordeman seconded the motion. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Complaint 2018-006: No action taken

Wordeman made a motion to enter into Executive Session to consult with legal counsel per SDCL 1-25-2 (3). Seconded by Wahlstrom. Cotton called for a vote. **MOTION PASSED** by unanimous vote. The commission entered into executive session at 8:57 a.m.

Metzinger, Nickels, Jackson, and Mercer left the meeting at 8:57 a.m.

Cotton called the commission out of executive session at 9:03 a.m.

Metzinger, Nickels, Jackson, and Mercer rejoined the meeting at 9:03 a.m.

Complaint 2018-013: Wahlstrom made a motion to dismiss the complaint. Seconded by Wordeman. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Complaint 2018-014: Wordeman made a motion to dismiss the complaint. Seconded by Wahlstrom. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Complaint 2018-021: Wahlstrom made a motion to dismiss the complaint. Seconded by Wordeman. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Discussion of the word value when used in a BPO or market analysis versus an appraisal was held. Sherry Bren, Executive Director of the South Dakota Appraiser Certification Program, will be invited to the next SDREC meeting for further discussion.

Jackson summarized the 2018 ARELLO Mid-Year meeting he attended in April.

The ARELLO annual meeting is September 26-30, 2018, in St. Louis, MO. Wahlstrom made a motion to approve attendance and travel for the commission's director and two additional commission members or commission staff. Seconded by Wordeman. Cotton called for a vote. **MOTION PASSED** by unanimous vote.

Miller summarized the real estate teams and advertising task force and the earnest money trust account task forces formed by the South Dakota Association of Realtors. The SDREC staff was invited to participate on each task force. Commissioner Krogman is also participating on the teams and advertising task force. Miller will continue to update the commission on the task force activities.

No other business was brought before the commission.

Next Meeting: July 19, 2018 at 1 p.m. in Pierre

Wordeman made a motion to adjourn the meeting. Seconded by Wahlstrom. Cotton called for a vote. **MOTION PASSED** by unanimous vote. Meeting Adjourned 10:01 a.m.