

Meeting Minutes
South Dakota Real Estate Commission
Kneip Building/Meeting Room 3
700 Governors Dr. Pierre, SD 57501
Call in # 1-866-410-8397/Conference Code 9490104423
July 15, 2020 11:00 a.m. CDT

Chairman Carol Lawhun called the meeting to order at 11:01 a.m. A quorum was participating.

Members Present: Dave Bonde
Ken Cotton (Telephonically, joined at 11:03 a.m.)
Carol Lawhun
Mark Wahlstrom (Telephonically)
Ryan Wordeman

Members Absent: None

Others Present: Lee Burggraff (Telephonically)
Jon Mehlhoff (Telephonically, joined at 11:02 a.m.)
Melissa Miller, Executive Director, SDREC
Suzanne Wetz, Licensing Administrator, SDREC (Telephonically)
Tim Bond, Compliance Officer, SDREC
Michelle Metzinger, Compliance Officer, SDREC (Telephonically)
Graham Oey, Staff Attorney, South Dakota Department of Labor and Regulation

Bonde made a motion to approve the agenda and move item 6B to after item 6A. Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Lawhun – yea; Wahlstrom – yea)

Public Comment – Jon Mehlhoff, responsible broker for EXP Realty, spoke on behalf of Joseph Bennington, a complainant.

Wahlstrom made motion to approve the May 14, 2020 meeting minutes. Cotton seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Lawhun – yea; Wahlstrom – yea)

Summary of the financials for May and June was presented by Director Miller. Wahlstrom commended Director Miller and staff for staying on budget with income and expenses. Wordeman made a motion to acknowledge receipt of May and June financials and to file. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Lawhun – yea; Wahlstrom – yea).

Complaint 2020-086

Staff Attorney Oey brought forward discussion concerning a hearing from Complaint # 2020-086. Staff Attorney Oey presented two options for the hearing. The hearing could be conducted within the Commission or the Office of Hearing Examiners (OE) would conduct the hearing, including a court reporter. Licensee Burggraff commented he would like to have the commission conduct the hearing.

By consensus, OE will conduct the hearing. Dates were discussed and Staff Attorney Oey will forward onto OE for September.

Complaint 2020-096

Bonde made motion to table Complaint 2020-096 to the September meeting. Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Lawhun – yea; Wahlstrom – yea)

Complaint 2020-092 – Notice of Hearing for Joseph Bennington

Lawhun opened the hearing at 11:29 a.m.

Purpose of the hearing is to determine whether Joseph Bennington violated state laws or administrative rules, a violation may result in the Commission suspending or revoking Bennington's license or any other disciplinary action authorized by SDLC 36-21A.

Bennington did not appear or have an attorney present.

Staff Attorney Oey called Director Miller as a witness. Miller was sworn in and gave testimony. In Miller's testimony it was established that Bennington is currently a licensee of the commission. Miller further stated that she obtained a certified Judgment for Bennington's federal criminal case from the District Clerk of Court's Office and confirmed that both were the same Joseph Benningtons.

Exhibit 1 was a copy of the Clerk of Courts judgement against Bennington. It was accepted into evidence.

Bonde made a motion to revoke Joseph Bennington's license. Motion was amended to accept and sign the agreement, which includes revoking Joseph Bennington's license. Wordeman seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Lawhun – yea; Wahlstrom – yea)

Wordeman made a motion to enter executive session pursuant to SDCL 1-25-2(3). Wahlstrom seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Lawhun – yea; Wahlstrom – yea).

The commission entered executive session at 11:45 a.m.

Metzinger, Wetz, and Bond left the meeting at 11:45 a.m.

The commission came out of executive session at 11:59 a.m.

Metzinger, Wetz, and Bond rejoined meeting at 12:01 p.m.

Complaint 2020-012

Wordeman made a motion to approve complaint 2020-012. Wahlstrom seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Wahlstrom – yea; Lawhun - yea).

Complaint 2020-089 and Complaint 2020-090

Wordeman made a motion to dismiss complaint 2020-089 and 2020-090. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Wahlstrom – yea; Lawhun - yea).

Complaint 2019-093

Wahlstrom made a motion to approve complaint 2020-093. Cotton seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Wahlstrom – yea; Lawhun - yea).

A discussion was held on rule changes. A proposed meeting for rules changes is August 19.

ARELLO Annual Conference (September 23-26) – Cancelled in-person conference. Director Miller stated it will now be offered via Zoom.

No other business.

The next meeting will be Thursday, September 8, 9, or 10, depending on the hearing.

Wordeman made a motion to adjourn the meeting at 12:10 p.m. Bonde seconded the motion. A roll call vote was taken. **MOTION PASSED.** (Bonde – yea; Wordeman – yea; Cotton – yea; Lawhun – yea; Wahlstrom – yea)

Meeting Adjourned