

South Dakota Real
Estate Commission

Melissa Miller
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In this issue from the

South Dakota Real
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From the Director
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Disciplinary Action
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Love Letter

From The Director

Spring is here and I am so ready for it - as I'm sure all of you are as well!

The 96th Legislative Session has come to an end. Here are the legislative bills that will go into effect July 1, 2021 that may be of interest to you:

HB 1014 An Act to establish uniform complaint and declaratory ruling procedures for agencies regulating certain professions and occupations.

HB 1002 An act to revise certain provisions regarding fingerprint-based background checks for the Real Estate Commission and the appraiser certification program.

HB 1234 An act to make certain revisions to the seller's property condition disclosure statement.

The Commission is taking a serious approach to try to control the problem of licensees who engage in real estate activities requiring a license but do not have an active license to do so because they didn't complete their education, renew their errors and omissions insurance, or didn't renew their license by the deadline.

We were busy in January issuing Consent Agreements with \$100 to \$300 in penalties pursuant to the Commission's citation program. An agent that doesn't have any listings is still considered to be practicing real estate simply by being listed on the company's website as available for representation.

It's never too early to begin working on your continuing education requirements. Those of you renewing this year may want to be looking into how many hours you have completed so far, so you know how many you need before the renewal deadline.

Take care, stay safe and enjoy a wonderful Spring and Summer season!

Side Note: The Commission has made the decision to only do the newsletter twice a year—instead of 4. We will publish one in March and September. The newsletter is always available on our website and our facebook page.



Click to like and follow our Facebook page.

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Commission Calendar

Friday, April 2nd and Monday, April 5th - Office closed in observance of Easter

Wednesday, May 12th or Thursday, May 13th - Commission Meeting

Monday, May 31st - Office closed in observance of Memorial Day

Monday, July 5th - Office closed in observance of Independence Day

Wednesday, July 14th or Thursday, July 15th - Commission Meeting

Monday, September 6th - Office closed in observance of Labor Day

Wednesday, September 8th or Thursday, September 9th - Commission Meeting



Renewal Reminders

- ⇒ 2020 online renewal is still open for those that haven't renewed. It closes June 30th, 2021.
- ⇒ There are still several license renewals that are pending - due to missing information. If you have not received a new license from us, be sure it was completed.
- ⇒ The office will be emailing a reminder notice for renewal the end of September.
 - ◇ Always be sure we have your correct email listed. This is how we communicate with most licensees.
- ⇒ Firms that are up for renewal, will receive a letter in the mail containing the firms specific username and password.
 - ◇ Now would be a good time to verify that we have the correct mailing address.
- ⇒ Classroom courses have slowed down as a result from Covid, however some are still being offered via Zoom—check with the instructor of your choice.

Disciplinary Action

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- ◇ Richard Tysdal, Spearfish, Broker. Violation of 36-21A-71(31). Administrative fine of \$250.
- ◇ Sandra Donahue, Spearfish, Broker. Violation of 36-21A-71(31). Administrative fine of \$250.
- ◇ Michael Warwick, Spearfish, Broker Associate. Violation of 36-21A-71, 36-21A-128 and 129, 36-21A-140(2), and 36-21A-147. Administrative fine of \$250 plus 6 hours of contracts.
- ◇ Travis Coyle, Rapid City, Broker Associate. Violation of 36-21A-55. Administrative fine of \$300.
- ◇ Jackson Dorhout, Sioux Falls, Broker Associate. Violation of 36-21A-130 and 36-21A-132. Administrative fine of \$250.
- ◇ Jackie Mayo, Sioux Falls, Broker Associate. Violation of 36-21A-52. Administrative fine of \$100.

Failure to maintain errors and omissions insurance or to provide notification to the commission of errors and omissions insurance (SDCL 36-21A-119, ARSD 20:69:15:02, 20:69:15:06, 20:69:15:07):

Pamela Cronin	Pierre
Paul Anderson	Sioux Falls
David Peterson	Rapid City
Derek Christians	Sioux Falls
Rachel Schweigert	Sioux Falls
John Baker	Rapid City
Jessica Baltazar	Sioux Falls
Joe Caster	Watertown
Robert T Christensen	Presho
Jason Bauer	Mobridge
Greg Jamison	Sioux Falls
Don Welker	Sioux Falls
Amy Evans	Sioux Falls

Disciplinary Action (Cont.)

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):

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Leonardo Benitez	Sioux Falls	Ramzi Salameh	Rapid City
Travis Coyle	Rapid City	Josh Uhre	Rapid City
Garner Hansen	Sioux Falls	Doug Wuebben	Yankton
Charles Mauszycki	Mitchell	Jennifer Tschetter	Salem
Dustin Baertsch	Rapid City	Shanon Vasknetz	Sturgis
Brittni Bjorum	Rapid City	Krysti Schulz	Sturgis
Brian Hammerbeck	Rapid City	Dustin Haber	Sioux Falls
Andrew Royer	Brookings	Angie Stingley	Sioux Falls
Kedar Neopaney	Sioux Falls	Vickie Douthit	Sioux Falls
Sherri Lockhart	Custer	Jill Schoenefeld	Watertown
Carmen Allbee	Watertown	Brian Shabino	Sioux Falls
Terrence Brick	Brandon	Tom Steel	Belle Fourche
Carrie Schmidt	Sioux Falls		
Eric Brockhoff	Sioux Falls		
Katie Baum	Sioux Falls		
Jessi Hanson	Vermillion		
Megan Zacher	Sioux Falls		
Melody Kerkvliet	Watertown		
Ashley Smith	Sioux Falls		
Tonya Madsen	Vermillion		
Brad Banks	Rapid City		
Colleen Clavel	Sioux Falls		
David Brenneman	Rapid City		
Ernest Rupp	Deadwood		
Patti Hauschildt	Custer		
Jennifer Payton	Rapid City		
Stuart Thill	Sioux Falls		
Miranda Krumm	Madison		
Sandy Poppenga	Sioux Falls		
Sam Britt	Harrisburg		
Brent Antonen	Sioux Falls		
Matt Brazendale	Sioux Falls		
Douglas Harr	Sioux Falls		
Woody Houser	Beresford		
Glenda Wiese	Beresford		
Amy Hix	Harrisburg		
Todd Waring	Ree Heights		
Jeff Kock	Sioux Falls		
Matt Mulder	Sioux Falls		
Kevin Paugh	Rapid City		
Quincy Good Star	Rapid City		
Perry Grosz	Rapid City		

New Licensees

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Broker

Daniel Beirne	Downingtown, PA
Nels Billsten	Orange, CA
Michael Braley	Parkston
John Breaux Jr.	Atlanta, GA
Wendy Chapman	Omaha, NE
Stephen Dinehart III	Middleton WI
Daniel Doyle	Sioux Falls
Kevin Gioia	San Diego, CA
Gregg Greenfield	Sioux Falls
Jack Gunvordahl	Burke
Peter Jaques	Des Moines, IA
Bradley Kerner	Lake Andes
Monica Meihack	Rapid City
Jon Nesbitt	Hunt. Beach, CA
Christopher Nielsen	Omaha, NE
William Oliver	Clarkston, MI
Michael Proffitt	Norfolk, NE
Kameron Reiser	Butte, NE
Russell Scheetz	Phoenix, AZ
Alan Smoot	Rapid City
James Sword	Hot Springs
Charles Tanner	Austin, TX
Richard Turner	Layton, UT
Tyler Van Eps	Minnetonka, MN
Alon Yonatan	Boulder, CO

Broker Associate

Tanner Abens	Sioux Falls
Wendi Albers	Rapid City
Gunnar Barbee	Sioux Falls
Brooke Bennett	Sioux Falls
Sarah Bezdicek	Sioux Falls
Francis Bierman	Piedmont
Justin Birger	Hills, MN
Nicholas Blau	Sioux Falls
Borislav Bogdanovic	Sioux Falls
Carri Bossert	Sioux Falls
Macintyre Braun	Sioux Falls
Dalton Bristow	Sioux Falls
Sandra Brockhouse	Keystone
Cassandra Brown	Spearfish
Matthew Bruxvoort	Sioux Center, IA
Linnea Bulyca	Box Elder

Broker Associate *cont.*

Jason Burns	Sioux Falls
Morgan Carson	Sioux Falls
Kelsie Casanova	Brandon
Katie Caven	Inwood, IA
Lisa Chadwell	Sioux Falls
William Christensen	Rapid City
Kayla Corner	Humboldt
Sarah Cronin	Madison
Cameron Cummings	Rapid City
Pamela Davenport	Keystone
Danielle Dement	Sioux Falls
Kevin Diaminda	Sioux Falls
Julie Domina	Newcastle, WY
John Elder	Spearfish
Bethany Eliason	Gregory
Suzanne Erickson	Sioux Falls
Deanna Espinosa	Deadwood
Erica Everson	Sioux Falls
Cindy Fitts	Brandon
Barbara Fossum	Canton
Abbie Franks	Aberdeen
Tristen Frye	Sioux Falls
Kathleen Funke	Spearfish
Jennifer Gades	Mitchell
Tylissa Geffre	Lead
Ashley Gibson	Sioux Falls
Kaylee Gorman	Rapid City
Kari Guge	Rapid City
Michael Gustafson	Sioux Falls
Anthony Handboy	Rapid City
Dennis Hanson	Rapid City
Ryan Hanten	Sioux Falls
Emily Harrison	Ellsworth AFB
Brittany Hausmann	Rapid City
Erica Heim	Sioux Falls
Ashley Hellstrom	Sioux Falls
Misty Henderson	Belle Fourche
Megan Hiltunen	Yankton
Jaclyn Houghtaling	Sioux Falls
Andrew Iddings	Rapid City
Troy Jantz	Newell
Nikki Johnsen	Sioux Falls
Anne Johnson	Aberdeen
Christine Johnson	Sioux Falls

New Licensees

Broker Associate *cont.*

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Erick Johnson	Sioux Falls	Molly Remboldt	Rapid City
Richard Kaan	Hot Springs	Kimberly Renken	Hawarden, IA
Robin Kadinger	Sioux Falls	Braulio Reynoza	Sioux Falls
Terry Keller	Sioux Falls	John Ricci	Rapid City
Karson Klein	Spearfish	Raheem Rice	Sioux Falls
Keegen Kleinwolterink	Sioux Falls	Jared Richter	Rapid City
Kya Kleinwolterink	Sioux Falls	David Roberts	Brookings
Michael Knudson	Sioux Falls	Christina Rodemaker	Hartford
David Knudtson	Brandon	Marli Sayler	Brookings
Aimee Kokenge	Sioux Falls	Benjamin Schiltz	Sioux Falls
Cain Kolar	Spearfish	Jay Schmidt	Watertown
Emily Kutil	Deadwood	Jennifer Schmoll	Hill City
Megan Langdon	Rapid City	Aaron Schrader	Sturgis
Ashley Lipp	Sioux Falls	Lucas Schroeder	Sioux Falls
Emily Lux	Eureka	Arnold Sharp	Longmont, CO
Camryn Lyon	Sioux Falls	Hailey Sheppard	Sioux Falls
Megan Martin	Yankton	Stacey Sieverding	Humboldt
David Maske	Hartford	Jason Sikkila	Sioux Falls
Shane Mattheis	Pierre	Jeremiah Simunek	Rapid City
Michael McCoy	Sioux Falls	Rose Smith	Custer
Lisa McFarland	Hermosa	Chris Sonnenschein	Sioux Falls
Lori Mennis	Sioux Falls	Elizabeth Staeckeler	Lead
Jerilyn Mickelson	Mitchell	Clark Stewart	Sturgis
Jacob Mills	Brookings	Kreighton Stokely	Elk Point
Allison Moses	Tea	Patyon Suter	Sioux Falls
Robyn Moss	Sioux Falls	Thomas Swanson	Sioux Falls
James Nelson	Sioux Falls	Layla Thomas	Rapid City
Kelly Nelson	Sioux Falls	RaeAnn Thompson	Brookings
Brittney Neuharth	Huron	Pamela Tiefenthaler	Sioux Falls
Seth Niederwerder	Sturgis	Tate Trapp	Sioux Falls
Laramie Noyce	Spearfish	Myron Trejo	Brandon
Alex Odland	Sioux Falls	Eli Trevino	Lead
Scott O'Neal	Yankton	Kerry Trimble-Woehl	Yankton
Matthew Oshanick	Sturgis	Brittany Trujillo	Sioux Falls
Charlotte Pentheny	Spearfish	Candace Tschetter	Sioux Falls
Wyatt Powers	Hartford	Michelle Tull	Harrisburg
Rita Pravecek	Colome	Kristi Vander Waal	Sioux Falls
Alexander Qualm	Sioux Falls	Jack VanLeur	Brandon
Rony Ramirez	Sioux Falls	Samuel Vedvei	Lake Preston
Carrie Randazzo	Sioux Falls	Christine Wakefield	Sioux Falls
Robert Raney	Custer	Kyle Waliezer	Sioux Falls
Michael Raynie	Sioux Falls	Holly Wannigman	Rapid City
Leslie Reese	Pipestone, MN	Damian Weets	Brookings
Casey Reifschneider	Lead	Tara Weiland	Sioux Falls

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Broker Associate *cont.*

Scott Wick	Sioux Falls
Clayton Wilhelm	Sioux Falls
Laura Wilkison	Hill City
Jamie Willard	Colton
Syranda Wipf	Aberdeen
Jill Yost	Watertown

Property Manager

Alana Baker	Box Elder
Heather Branton	Springfield
Sarah Carl	Rapid City
Celesta Dobesh	Rapid City
David Kreman	Rapid City
Mary Jane Kreman	Rapid City
Kathleen Lewis	Custer
Paula Meeker	Sturgis
Melissa Schell	Rapid City
John Sundby	Rapid City
Justin Tobin	N. Sioux City
Shannon	Sioux Falls
Baron Yexley	Clark

Reg. Home Inspector

Joseph Blashack	Brookings
Patrick Breen	Rapid City
Toni Brown	Webster
Neil Carpenter	Sioux Falls
Thomas Hamiel	St. Lawrence
Peder Haugan	Brookings
Brett Hovde	Spearfish
Dillon Kolbo	Madison
Kenneth Markie	Sioux Falls
Byron Ostrom	Canton
Paul Pitkin	Watertown
Gary Ronning	Pierre
Marvin Royer	Rapid City
Bret Schumacher	Sioux Falls
Ryan Thompson	Worthington, MN
Christopher Thurman	Custer
Shannon Ulmer	Sioux Falls
Kyle Waliezer	Sioux Falls
David Warfel	Rapid City
Chase Williamson	Spearfish
Matthew Wineland	Sioux City
Patrick Yeutter	Eustis, NE

Res. Rental Agent

Victoria Albers	Sioux Falls
Lori Bird	Draper
Annie Deutscher	Sioux Falls
Jamie Dozark	Sioux Falls
Nicole Eaton	Pierre
Lincoln Gibbs	Sioux Falls
Jennifer Grassrope	Mitchell
Saige Gullickson	Sioux Falls
Allisha Hanson	Sioux Falls
Jose Hernandez	Harrisburg
Cassandra Heumiller	Sioux Falls
Emily Jaacks	Brookings
Penny Keller	Huron
Tabitha Klingenberg	Sioux Falls
Brooke Koster	Spearfish
Jessica Krager	Sioux Falls
Karrie LesterFleming	Sioux Falls
Amanda Lierman	Sioux City, IA
Tristan Moeding	Huron
Shawna Murray	Sioux Falls
Todd Oines	Madison
Taylor Olson	Brookings
Corie Rashara Jack-	Mitchell
Thomas Richardson	Sioux Falls
Hailey Sheppard	Sioux Falls
Maria Soto	Volga
Melissa Wallenstein	Lennox
Samantha Wylie	Rapid City

Salesperson

Sanford Barin	Edina, MN
Faye Callahan	Spearfish
Toni Delfs	Sioux City, IA
Arthur Dost	White Bear Lake, MN
Matthew Ellerbrock	Salem
Lori Engstrom	Vadnais Heights, MN
Anthony Gra-	Luverne, MN
Mark Hanson	Sioux City, IA
Savannah Hinze	Whiting, IA
Daniel Johnson	Buffalo, WY
Kathlyn Jones	Big Arm, MT
Morgan Nolan	Gillette, WY
Bryson Pavel	Boise, ID
John Pole	Sioux Falls
Amber Raake	Sergeant Bluff, IA
Douglas Sager	Sioux Falls
Logan Schliinz	Torrington, WY
Katie Worden	Sioux City, IA

Love Letters: Friend or Foe

(Used with permission by ARELLO)

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A buyer decides to write a personal note to submit to the seller, hoping to pull on the seller's heartstrings to select the buyer's offer over others. The practice of a buyer writing a "love letter" to the seller is not new but the practice is making a significant comeback in a seller's market where inventory is limited and competition among buyers is fierce. Buyers may be willing to employ any practice necessary to get their offer accepted. Sellers may see the letters as an opportunity to get to know the buyer, making the process of selling more comfortable. Love letters are good for everyone, in a transaction, right? Not necessarily.



Although love letters may seem innocent enough, they may have unintended consequences. What makes love letters so appealing is the buyer's inclusion of personal information about the buyer, the buyer's family, their interests and maybe their motivation for moving to the city or neighborhood. For example, a buyer might write in a love letter that their family is moving from Israel and likes the neighborhood because it is close to a Temple where their children will attend school. In reviewing the buyer's offer along with other competing offers, the seller selects another.

Did the seller discriminate against the buyer (familial status, national origin, religion) in selecting another offer? Hard to say. What if the buyer's offer was the highest of all the offers, yet was not selected? Maybe the seller declined the buyer's offer in favor of one with a quicker closing date. That makes sense, but the buyer may allege discrimination, nonetheless. So, a love letter that was seemingly harmless, has created the opportunity for a fair housing violation of the inference of one. Beyond the seller's exposure, what about the agent's involvement? Did the listing agent read the love letter and make a recommendation to the seller? If so, was the listing agent complicit in the purported fair housing violation? It is easy to see how a love letter can create a host of problems for which it was never intended.

Just this month the Washington Post published an article about how buyer's love letters may create legal liability for sellers and their agents. The article references an alert issued in 2020 from the National Association of Realtors (NAR) to its members that the love letters could violate the Fair Housing Act. In its alert the NAR urged its member agents to educate their clients on the pitfalls of accepting love letters, remind their clients on the fair housing laws and to avoid participating in drafting and reading any love letters that are received. It also urged agents to document all offers received and the seller's reason accepting an offer.

At first blush the idea of a love letter might seem harmless, but in practice they have the potential of creating a risk of an actual or alleged fair housing violation which is bad for both buyers and sellers. For a buyer, simply submitting their strongest offer and nothing more might just be the best way to assure their offer is the one that is selected.