



**North Dakota Real Estate Commission Meeting Minutes -- FINAL  
8:30 a.m., Wednesday, August 8, 2018  
Ft. Lincoln Room, Ground Floor, State Capitol, Bismarck**

[ndrec@nd.gov](mailto:ndrec@nd.gov)

[www.realestatend.org](http://www.realestatend.org)

Present: Roger Cymbaluk, chair; Scott Breidenbach, vice chair; members: Sandra Meyer, Steven Bitz, Diane Louser; Constance Hofland, special assistant attorney general; staff: Jeanne Prom, executive director; Kristi Hass, administrative assistant. Members of the public also present.

- I. Call meeting to order. Chair Mr. Roger Cymbaluk called the meeting to order at 8:30 a.m.
- II. Roll call and determination of quorum. Executive Director Ms. Jeanne Prom called the roll, with a quorum of all members present. Mr. Cymbaluk welcomed the public.
- III. Recognition of new chair, vice chair and commissioner. Mr. Cymbaluk welcomed new commissioner Mr. Steven Bitz. Mr. Cymbaluk noted that this is the first meeting he is chairing, with Mr. Scott Breidenbach serving as vice chair, for the 2018-2019 fiscal year.
- IV. Review of license applications. See attachment for actions on each applicant.
- V. Review of tabled license application – Dominick Oliver. See attachment for action on this tabled application.
- VI. Update on complaints. Special Assistant Attorney General Ms. Constance Hofland reviewed the stipulation and settlement agreements and memorandums on cases.
  - A. Case 2018-01 NDREC v. Lori Lingenfelter -- Stipulation and Settlement Agreement. Mr. Breidenbach moved to accept the stipulation and settlement agreement negotiated by Ms. Hofland with an amendment to add that if Ms. Lingenfelter does not pay the fine, fees, and provide the required files to the commission within the 90 days after the date of the notice of entry of the order, Ms. Lori Lingenfelter's license will be suspended. Ms. Diane Louser seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
  - B. Case 2018-04 NDREC v. Theresa Halvorson – Stipulation and Settlement Agreement. Mr. Breidenbach moved to accept the stipulation and settlement agreement negotiated by Ms. Hofland. Ms. Sandra Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
  - C. Case 2018-06 Betsy Denis v. Rodney Richter – Memorandum. See "E." below.
  - D. Case 2018-07 Betsy Denis v. Ericka Schott – Memorandum. See "E." below.
  - E. Case 2018-08 Betsy Denis v. Rodger Pape – Memorandum. Ms. Louser moved to dismiss Case 2018-06, Case 2018-07 and Case 2018-08. Mr. Steven Bitz seconded. Discussion: The three complaints are similar and related. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.

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Members of the North Dakota Real Estate Commission are: Roger Cymbaluk, Chair; Scott Breidenbach, Vice Chair; members: Sandra Meyer, Steven Bitz, Diane Louser. Special Assistant Attorney General: Constance Hofland. Staff: Jeanne Prom, executive director, Kristi Hass, administrative assistant.

- F. Case 2018-12 MacRae Dirkach v. Katherine Kiernan – Memorandum. Ms. Louser moved to dismiss Case 2018-12. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
- VII. Update from management.
- A. Auditor Certified Public Accountant (CPA) position. Ms. Louser moved to approve the hiring of Mr. Robert Yost as the auditor CPA at \$72,000 annually. Ms. Meyer seconded. Discussion: Chair Cymbaluk will introduce the new auditor and executive director at the North Dakota Association of REALTORS® board meeting which begins at 2:45 p.m., September 13, 2018 in Minot. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
- B. Trust fund waivers. The commission reviewed trust fund waivers issued since the previous meeting.
- C. Testing before completed review. Commission and staff discussed the change in the licensing application process approved at the June 20, 2018 meeting. The commission will allow applicants to take the real estate exam before the commission and staff review the completed criminal and credit history. Passing the exam does not entitle an applicant to receive a license unless all other qualifications are met. Before an applicant is approved for a license, staff thoroughly review an applicant's criminal and credit history and determine if any issues remain barriers for issuing a license. The application may be reviewed further at a commission meeting. An applicant assumes the risks and expense of taking the test without the guarantee of a license.
- D. 2018-2019 meeting schedule. The commission set the meeting dates for the 2018-2019 fiscal year. Dates are: Wednesday, October 10, 2018; Wednesday, December 19, 2018; Tuesday, February 5, 2019; Wednesday, April 3, 2019, and Tuesday, June 4, 2019. Most meetings will begin at 8:30 a.m. Dates may change if needed. Once meeting locations are set, meetings will be posted online.
- E. 2018 priorities. The commission reviewed the 2018 priorities.
- VIII. Review of minutes from June 20, 2018 meeting. Ms. Louser moved to approve minutes from the June 20, 2018 meeting as presented. Mr. Breidenbach seconded. Motion carried unanimously by voice vote.
- IX. Financial reports – June 2018. Mr. Breidenbach moved to approve financial reports from June 2018 as presented. Ms. Louser seconded. Motion carried unanimously by voice vote.
- X. Next meeting. The meeting will begin at 8:30 a.m., Wednesday, October 10 in Bismarck. The meeting will be noticed once a room is reserved. The commission discussed appraiser issues. Because the next fiscal year meetings are set, commission meetings are now regular meetings, not special meetings, and the commissioners can amend the agendas of regular meetings.
- XI. Adjourn. Chair Cymbaluk adjourned the meeting at 11:08 a.m.

attachment

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NAME	LICENSE/OTHER	ACTION BY COMMISSION:
IV.A. Ashley Benson – not present on phone, not present in person	salesperson – reciprocal -- MN	Ms. Diane Louser moved to deny the application for Ms. Ashley Benson. Ms. Sandra Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.B. Felicia Diemert – present on phone	salesperson	Mr. Breidenbach moved to allow Ms. Felicia Diemert to take the salesperson examination after providing staff with documentation that delinquencies are paid in full. Ms. Louser seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.C. Kaia Ehrmantraut – present on phone	salesperson	Ms. Louser moved to allow Ms. Kaia Ehrmantraut to take the salesperson examination. Mr. Breidenbach seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.D. Anders Gylland – present on phone	salesperson	Mr. Breidenbach moved to allow Mr. Anders Gylland to take the salesperson examination. Mr. Steven Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.E. Joshua Jones – present on phone	salesperson	Mr. Breidenbach moved to allow Mr. Joshua Jones to take the salesperson examination after providing staff with documentation that he had paid delinquencies in full. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.F. Denise Luttio – not present on phone, not present in person	salesperson	Ms. Louser moved to deny the application for Ms. Denise Luttio. Mr. Breidenbach seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.

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NAME	LICENSE/OTHER	ACTION BY COMMISSION:
IV.G. Gregory Sattler – present in person	salesperson	Mr. Breidenbach moved to allow Mr. Gregory Sattler to take the salesperson examination. Ms. Louser seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.H. Amanda Schrei – present on phone	salesperson	Mr. Breidenbach moved to table the application for Ms. Amanda Schrei for one year to allow Ms. Schrei time to manage debts and be reviewed again by the commission. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.I. David VanAssche – present in person	salesperson	Mr. Bitz moved to deny the application for Mr. David VanAssche. Mr. Breidenbach seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz; nays – Ms. Louser. Motion carried on a 4-1 vote.
IV.J. Tyler Waldner – not present in person, not present on phone but provided written information to staff	broker – nonresident -- SD	Mr. Breidenbach moved to allow Mr. Tyler Waldner to take the broker examination after he provides staff with documentation that he has paid delinquencies. Ms. Louser seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
IV.K. Lisa Young Bird – present in person	salesperson	Ms. Meyer moved to allow Ms. Lisa Young Bird to take the salesperson examination. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.
V. Dominick Oliver – present in person	salesperson – tabled from a previous meeting	Mr. Breidenbach moved to allow Mr. Dominick Oliver to take the salesperson examination. Ms. Louser seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Breidenbach, Ms. Meyer, Mr. Bitz, Ms. Louser; nays – none. Motion carried unanimously.