



North Dakota Real Estate Commission Meeting Minutes – FINAL
1:00 p.m., Tuesday, June 4, 2019
Ft Lincoln Room
State Capitol grounds, Bismarck ND
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; Rob Yost, CPA/auditor; and Kristi Hass, licensing specialist. Members of the public also present.

- I. Call meeting to order. Vice Chair Mr. Scott Breidenbach presented Chair Mr. Roger Cymbaluk with the commission gavel, noting that this was the final meeting Mr. Cymbaluk would chair, after serving as chair 5 of his 24 years on the commission. Chair Mr. Cymbaluk thanked Mr. Breidenbach and called the meeting to order at 1:00 p.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 Ms. Diane Louser, retiring Commissioner. Mr. Cymbaluk paid tribute to and thanked Ms. Diane Louser for her 25 years of distinguished service as the public member on the N.D. Real Estate Commission. Ms. Louser received flowers and a framed message of thanks from commissioners and staff. Ms. Louser will serve through June 30, 2019 or until another individual is appointed, whichever is later. Mr. Cymbaluk and Mr. Breidenbach also paid tribute to former commissioner Ms. Kris Sheridan, who died in May.
- IV. Review and approval of agenda. Ms. Louser moved to approve the agenda with the addition of 1 license review as requested by Ms. Prom. Mr. Scott Breidenbach seconded. Motion carried by unanimous voice vote.
- V. Review of tabled salesperson license application – Katie Eckdahl. See attachment for actions on all license applications.
- VI. Review of denied salesperson license applications – Cindy Hatch, Ryan Ell. See attachment for action on all license applications.
- VII. Review of tabled request for waiver of two-year experience requirement for broker application – Shawna Hastings and Mandy Landers. See attachment for actions on all license applications.
- VIII. Review of license application – Jeanette Rodas. See attachment for actions on all license applications.
- IX. Request for waiver of two-year experience requirement for broker application – Melodee Groninger. See attachment for actions on all license applications.
- X. Update on complaints.
 - A. Case 2019-01 – Yang v. Greaves – Memorandum. Mr. Bitz moved to proceed with a hearing on Case 2019-01 and to consolidate Case 2019-01 with Case 2018-16 – Vestal v. Greaves. Mr. Breidenbach seconded. Discussion: The commission agreed to proceed with a hearing on 2018-16 at the commission's April 3, 2019 meeting. Roll call vote: ayes – Ms. Sandra Meyer, Mr. Steven Bitz, Ms. Diane Louser, Mr. Scott Breidenbach, Mr. Roger Cymbaluk; nays – none. Motion carried unanimously.

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; Rob Yost, auditor/CPA; Kristi Hass, licensing specialist.

- B. Case 2019-03 – Weintraub v. Simonson – Memorandum. Ms. Louser moved to dismiss Case 2019-03. Ms. Sandra Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
- C. Case 2018-01 – NDREC v. Lori Lingenfelter. Ms. Connie Hofland will continue to work with the personal representative for the estate who was appointed recently, to get trust account bank records for commission review.

XI. Update from management.

- A. Disclosure statements. Ms. Prom and Ms. Hofland explained the property disclosure law that takes effect August 1, 2019. Ms. Hofland explained that the commission is required to provide a written property condition disclosure form that meets the requirements of the new section 47-10 of the N.D. Century Code, and that Ms. Prom has completed initial work with stakeholders. Ms. Hofland provided a first draft of a property condition statement. The commission agreed by consensus that Ms. Hofland and Ms. Prom should continue to work with stakeholders and to provide a final draft of the property condition disclosure statement at the next commission meeting. Ms. Meyer provided a wire fraud alert that was shared at mandatory safety and cybersecurity training she attended.
 - D. Military spouse licensing. Mr. Breidenbach moved to approve the following question and verification to the license application, as required by changes to NDCC 43-51 that take effect August 1, 2019: *Are you the spouse of active duty military personnel? If yes, please submit a copy of military orders and current military ID.* Ms. Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
 - B. Pre-licensing education. The commission agreed by consensus that Ms. Prom should continue to work with stakeholders to set the guidelines for the new 90-hour salesperson pre-licensing courses to be approved prior to being offered beginning January 1, 2021.
 - C. Broker organization. Ms. Prom will update the current application for an organizational license to be used beginning August 1, 2019. Ms. Hofland noted that a change to N.D. Administrative Code 70-02-01-02.13 could be considered.
- Office update. Mr. Rob Yost, CPA/Accountant, reported on the findings from the 2018 continuing education audit. Four licensees completed their continuing education hours after the 2019 renewal deadline of November 15, 2018. Mr. Breidenbach moved that the commission send certified letters of information to the 4 brokers for these 4 noncompliant licensees, and that the certified letters require a receipt signed by the brokers. Ms. Louser seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
- Mr. Breidenbach moved to require 3 hours on risk management as the mandatory topic for all licensees for the 2020 continuing education cycle (November 16, 2019 through November 15, 2020). Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
- Ms. Prom reported the following: 1) Staff use email as the primary method of communication with licensees and applicants; 2) The 2020 errors and omissions group policy cost is not yet available from Rice Insurance; 3) Mr. Cymbaluk, Mr. Breidenbach and Ms. Prom attended the ARELLO mid-year conference; 4) Ms.

Prom received and shared comments from a licensee on the commission's requirement that all inactive licenses be returned to the commission office; 5) The new front office work space is set up and Ms. Prom is recruiting for the program assistant position; 6) Trust fund audits will be desk audits when possible, unless visit to the firm is required; 7) Ms. Prom will have visited all local boards of REALTORS by mid-June, often with commissioners.

D. Trust account waivers. The commission received the list of trust account waivers.

E. 2019-2020 priorities. The commission received the list of priorities.

- XII. Financial reports – March and April 2019. Mr. Breidenbach moved to approve the March and April 2019 financial statements. Ms. Meyer seconded. Motion carried by unanimous voice vote.
- XIII. 2019-2020 draft budget. Mr. Breidenbach moved to approve the 2019-2020 budget with the proposed fees increases, which includes a \$150 application fee for salesperson license. Ms. Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
- XIV. 2019-2020 meeting schedule. The commission set the next meetings for 8:30 a.m. on the following Wednesdays: July 24, 2019 and August 21, 2019. The commission will set subsequent meetings after a new commissioner is appointed.
- XV. Minutes – April 3, 2019 meeting. Ms. Louser moved to approve the minutes as presented from the April 3, 2019 meeting. Ms. Meyer seconded. Motion carried by unanimous voice vote.
- XVI. Other business. Mr. Bitz moved to approve the \$200/hour rate for legal services from Ms. Connie Hofland, beginning July 1, 2019. Ms. Louser seconded. Motion carried by unanimous voice vote.
- XVII. Election of officers. Ms. Louser moved to elect Mr. Scott Breidenbach as chair and Ms. Sandra Meyer as vice chair for 2019-2020. Mr. Bitz seconded. Motion carried by a unanimous voice vote.
- XVIII. Next meeting. The meeting will begin at 8:30 a.m., Wednesday, July 24, 2019 in Bismarck, room TBD.
- XIX. Adjourn. Chair Cymbaluk adjourned the meeting at 3:40 p.m.

attachment



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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
V. Katie Eckdahl – present on phone	salesperson	Ms. Louser moved to allow Ms. Katie Eckdahl to take the salesperson examination after staff receive and review the written payment plan from one creditor. Ms. Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VI. Cindy Hatch – present on phone	salesperson	Mr. Breidenbach moved to allow Ms. Cindy Hatch to take the salesperson examination. Ms. Louser seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VI. Ryan Ell – present on phone	salesperson	Ms. Meyer moved to table the salesperson application from Mr. Ryan Ell until Mr. Ell provides the commission with official documentation that he is not on probation. Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. Matthew Zimmerman – present on phone	broker	Mr. Breidenbach moved to deny the request from Mr. Matthew Zimmerman to have the 2-year experience requirement for the broker examination waived. Ms. Louser seconded. Discussion: The commission tabled this request at its April 3, 2019 meeting, and Mr. Zimmerman requested the request be discussed again at this commission meeting. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
VIII. A. Shawna Hastings – present in person	salesperson	Mr. Breidenbach moved to waive the national portion of the salesperson examination for Ms. Shawna Hastings, but require Ms. Hastings to complete the 45-hour pre-licensure education. Ms. Meyer seconded. Roll call vote: ayes –

NDREC Meeting – June 4, 2019

NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
		Ms. Meyer, Ms. Louser, Mr. Breidenbach; nays – Mr. Bitz, Mr. Cymbaluk. Motion carried on a 3-2 vote.
VIII. B. Mandy Landers – present on phone	salesperson	Ms. Meyer moved to waive the national portion of the salesperson examination for Ms. Mandy Landers, but require Ms. Landers to complete the 45-hour pre-licensure education. Mr. Breidenbach seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
IX. Jeanette Rodas – present in person	salesperson	Ms. Meyer moved to table the salesperson application from Ms. Jeanette Rodas for up to 1 year. Mr. Breidenbach seconded. Discussion: During the next 12 months, Ms. Rodas will need to appear before the commission again for further action. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
X. Melodee Groninger – not present	broker	Mr. Breidenbach moved to table the broker application from Ms. Melodee Groninger until the next commission meeting when more information will be available. Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.