



North Dakota Real Estate Commission Meeting Minutes – FINAL
8:30 a.m., Wednesday, September 4, 2019
Peace Garden Room
State Capitol grounds, Bismarck ND
www.realestatend.org

Present: Scott Breidenbach, chair; Sandra Meyer, vice chair; members: Steven Bitz, Steven Link, Roger Cymbaluk; Constance Hofland, special assistant attorney general, legal counsel; staff: Jeanne Prom, executive director; Rob Yost, CPA/auditor; Kristi Hass, licensing specialist. Members of the public also present in person and on the phone.

- I. Call to order. Chair Mr. Scott Breidenbach 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.
 - III. Review and approval of agenda. Mr. Steven Link moved to approve the agenda. Mr. Roger Cymbaluk seconded. Motion carried by unanimous voice vote.
 - IV. Application of disclosure law. The commission and those present in person and on the phone discussed application of the new disclosure law. Ms. Connie Hofland, special assistant attorney general, provided a memo addressing the question of the required timing of the written property disclosure. Ms. Hofland concluded that the reasonable interpretation of the law is the written property disclosure is required before the parties sign an agreement. The question of how the commission may determine a potential violation of this law when auditing licensee transaction files was raised. Mr. Breidenbach directed Ms. Prom to coordinate a small task force to further review these issues and report at the next commission meeting.
 - V. Other business. Licensee Ms. Cassie Bowers shared her concerns about commercial real estate practices including marketing of properties, and what she sees as a need for different requirements for commercial transactions and licensees involved in those transactions from requirements for transactions involving residential property. The commission took no action.
 - VI. Review of request for broker application, waiver of two-year experience requirement – Amanda Welk. See attachment for actions on all license applications.
 - VII. Review of salesperson license applications. See attachment for actions on all license applications.
- Mr. Breidenbach called a recess at 10:10 a.m. and reconvened the meeting at 10:20 a.m.
- VIII. Update on complaints.
 - A. Case 2019-04 – Dave Engebretson v. Rick Stremick and Kelly Kraft – Memorandum. Mr. Cymbaluk moved to dismiss Case 2019-04. Ms. Sandra Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - B. Case 2019-05 – Amy Knudsvig v. Chris Griffin -- Memorandum. Mr. Link moved to dismiss Case 2019-05. Mr. Steven Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

Members of the North Dakota Real Estate Commission are: Scott Breidenbach, chair; Sandra Meyer, vice chair; members: Steven Bitz, Steven Link, Roger Cymbaluk. Special Assistant Attorney General: Constance Hofland. Staff: Jeanne Prom, executive director; Rob Yost, CPA/auditor; Kristi Hass, licensing specialist.

Case 2018-01 – NDREC v. Lori Lingenfelter – update. Mr. Rob Yost, CPA/auditor, reported that he is working directly with the estate to get all the bank statements.

IX. Update from management.

- A. 2019-2020 priorities. Review administrative rules and license law. Review requirements for printing and displaying licenses. The commission reviewed the priorities and agreed by consensus to review the Administrative Rules at the next commission meeting. The review will be an informal discussion on ideas on how current rules might be changed. The meeting is not a formal hearing on proposed rule changes. The commission agreed by consensus to move the next commission meeting from November 20, 2019 to the afternoon of December 3 with rules discussion on the morning of December 4, 2019. Actively pursue new space. Mr. Cymbaluk moved to continue the lease with RSTS, Inc. for an additional year at the same cost, as provided in the current lease. Mr. Link seconded. Motion carried by unanimous voice vote. Ms. Prom will work with the landlord to determine a cost for renovating 1,800 square feet of space at 1120 College Drive, Suite 204, which is in the building attached to current office space.
- B. Office update -- audits. Mr. Yost provided proposals from Haga Kommer and Brady Martz for auditing the office for the year ending June 30, 2019 and for the 2-year period ending June 30, 2021. Mr. Cymbaluk moved that staff secure bids from these vendors for 2 periods of 2 years each: 2019-2020 and 2021-2022, select a vendor, and work with that vendor to complete these audits. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
- C. Trust account waivers. The commissioners received a list of waivers.
- D. AG training, commissioner college. Some commissioners and staff will be attending the Commissioners' College September 22, 2019 in Denver, CO, and also the ND Office of Attorney General Professional Licensing Board Orientation and Training Seminar Oct. 29, 2019 at the state capitol, Bismarck.

X. Financial reports – July 2019. Mr. Cymbaluk moved to: 1) close the recovery fund checking account and transfer those funds into a Certificate of Deposit, and 2) approve the July 2019 financial statements. Mr. Link seconded. Motion carried by unanimous voice vote.

XI. Minutes – July 24, 2019 meeting. Mr. Link moved to approve the minutes as presented from the July 24, 2019 meeting. Mr. Bitz seconded. Motion carried by unanimous voice vote.

XII. Any additional business. No additional business was discussed.

XIII. Next meeting. The meeting will be at 1:00 p.m. to 4:00 p.m., Tuesday, December 3, 2019, and 8:30 a.m. to noon, Wednesday, December 4, 2019 in Bismarck, room TBD. This is pending availability of Ms. Hofland and a suitable meeting room.

XIV. Adjourn. Chair Breidenbach adjourned the meeting at 11:40 a.m.

attachment



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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
VII. Amanda Welk – present on phone	broker, accept experience as substantially equivalent to 2-year requirement	Mr. Cymbaluk moved to accept Ms. Amanda Welk’s property management experience as substantially equal to the 2-year experience required with a broker license application, and allow Ms. Welk to take the broker examination. Ms. Meyer seconded. Motion carried by unanimous voice vote.
VIII. A. Myrna Hay – present on phone	salesperson	Mr. Cymbaluk moved to allow Ms. Myrna Hay to take the salesperson examination. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VIII. B. Jeri Snyder – present on phone	salesperson	Mr. Cymbaluk moved to table Ms. Jeri Snyder’s salesperson application for 1 year, during which time she must provide staff with clarification and any necessary official documentation that all debts are managed. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VIII. C. Melissa Eberhardt – not present in person or by phone	salesperson	Ms. Meyer moved to table Ms. Melissa Eberhardt’s salesperson application for 1 year, during which time she must provide staff with clarification and any necessary official documentation that all debts are managed. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VII. D. Fadumo “Mina” Mohamed – not present in person or by phone	salesperson – reciprocal -- MN	Mr. Link moved to table Ms. Fadumo “Mina” Mohamed’s salesperson application for 1 year, during which time she must provide staff with clarification and any necessary official documentation that all debts are managed. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

NDREC Meeting – September 4, 2019

NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
VII. E. Cody Hepper – present in person	salesperson	Mr. Cymbaluk moved to allow Mr. Cody Hepper to take the salesperson exam. Mr. Breidenbach seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.