



REAL ESTATE

SUMMER

2014

NEWS & VIEWS

Advertising Must Include Your Brokerage Agency Name Prominently Displayed And ^{this} is not Prominent

Constance Hoffland

Legal Counsel to the
North Dakota Real Estate Commission

The administrative rule on advertising broadly defines advertising to include “all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity.” N.D.A.C. 70-02-03-02.1(1).

The rule lists “mail, telephone, the internet, the World Wide Web, electronic mail, electronic bulletin board, or other similar electronic common carrier systems, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages” as examples of some of the forms of communication that are included in this definition of advertising. This is not an all inclusive list – it is one of those “including but not limited to” lists.

The bottom line is you as a licensee are conducting all of your real estate business through your brokerage agency. Your broker is the responsible party and is the place for the public to go if a problem arises. For this reason, in order to adequately protect the public, the advertising you put out to the public must “clearly” include your brokerage agency’s name and brokerage contact information. N.D.A.C. 70-02-03-02.1(4).

The rule also requires that in advertising the trade name of the brokerage agency, as licensed with the commission, must be “prominently displayed.” N.D.A.C. 70-02-03-02.1(2).

What is **prominently**?

Dictionary definitions of prominent include:

- situated so as to catch the attention; noticeable
- easily noticed or seen
- readily noticeable; conspicuous

Synonyms for “prominent” are arresting, bodacious, bold, brilliant, catchy, commanding, conspicuous, dramatic, emphatic, eye-catching, flamboyant, grabby, marked, noisy, noticeable, pronounced, remarkable, showy, splashy, striking.



Yes, judgment comes into play in determining what is and what is not prominent. This brings to mind the phrase “I know it when I see it.”

This phrase was made famous by United States Supreme Court Justice Potter Stewart when he used it to describe the test for obscenity in the case *Jacobellis v. Ohio* (1964). Justice Stewart was explaining why the motion picture involved in the case (a French film called “*Les Amants*” which translates to “*The Lovers*”) was not obscene under the test used by the Court, and therefore was protected speech that could not be censored, Stewart wrote:

“I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description [referring to the term “hard-core pornography”]; and perhaps I could never succeed in intelligibly doing so. But I know it when I see it, and the motion picture involved in this case is not that.”

The Commission is not faced with as challenging of a task as the U.S. Supreme Court. The Commission has an easier task of “knowing it when they see it” as applied to what is prominent for the broker trade name and contact information in real estate advertising. However, as a first hurdle that must be passed to meet the definition of “prominently” is that the Commission must be able to see it.



CLOSED

Closed !!!!!

The North Dakota Real Estate Commission office will be closed on July 4, 2014 and Labor Day, September 1, 2014

North Dakota Real Estate Commission

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Commission Meetings Open to the Public

All Commission meetings are open to the public and that include real estate licensees. Commissioners welcome and encourage attendance and observation by any licensee. Location, date, and time can be found on the Commission's web site www.ndmakerealestate.com or on the ND Secretary of State web site www.nd.gov/secretary

reminder

*Only 5 months to go!!
Do You Have Your CE??*

The December 31, 2014 continuing education deadline will be here before you know it. Do not wait until the last minute! You will need 9 hours of continuing education to renew your license for 2015. 6 hours are elective and 3 hours of mandatory continuing education in your choice of topic either Fair Housing or Agency. If you do not have your CE completed, why not sign up for a class today?

*All approved courses (classroom and online) can be found on our website:
www.ndmakerealestate.com*

In Memory

The ND Real Estate Commission extends its sincerest sympathy to the families and friends of the following licensees who have passed away.

Grace Bennett
Formerly Bismarck, ND

Fred Gengler
Dickinson, ND

Yvonne Huber
Bismarck, ND

Nicholas J. Jones
Sidney, MT

James E. Mathiason
Mohall, ND

And now a word from our trust account auditors.....

Using a Title Company Instead of a Broker Trust Account

Using a title company to hold earnest money has become a common alternative to a broker trust account which has resulted in many questions on the broker's responsibilities. In a nutshell, the responsibilities are the same. The reason goes back to the North Dakota Century Code. Section 43-23-14.1 which states:

*Except as otherwise provided in this section, every broker shall, at all times, maintain in the broker's name or firm name, a separate trust account designated as such in a federally insured financial institution in this state in which the broker shall immediately place as a demand deposit all funds not the broker's own coming into the broker's possession, in accordance with rules adopted by the commission. This requirement extends to funds in which the broker may have some future interest or claim and includes earnest money deposits. **Provided, the deposit of funds may be made in an interest-bearing account in a federally insured bank, trust***

*company, savings and loan association, or credit union if all parties having an interest in the funds have agreed in writing and if a copy of the agreement is maintained on file by the broker. A broker may not commingle the broker's personal funds or other funds in a trust account, except that a broker may deposit and keep a sum not to exceed five hundred dollars in the account from the broker's personal funds, which sum must be specifically identified and deposited to cover service charges related to the trust account. **In conjunction with the account, the broker shall maintain at the broker's usual place of business, books, records, contracts, and other necessary documents so that the adequacy of the account may be determined at any time.** Trust accounts and other records must be open to inspection by the commission and its duly authorized agents at all times during regular business hours at the broker's usual place of business.*

Therefore, the same requirements apply to earnest money deposited with a title company as earnest money held in the broker's trust account. This includes:

- Depositing funds within 24 hours of receipt of the money unless otherwise provided in the purchase contract.
- Maintaining a complete record of all moneys received. Earnest money going directly to a title company won't have exactly the same documents but substitutes must be obtained. Following are the minimum requirements and the alternative documentation that could be used:

Required records	Substitute when using a title company
Bank deposit slip	Earnest money receipt signed by representative of title company
Monthly bank statement	Report of broker's earnest money from title company
Trust account check	Copy of disbursement made by title company

The following items will be the same as used with a trust bank account:

- Journal – chronological sequence of receipts and disbursements
- Individual ledger sheets – record as funds affect a single transaction
- Monthly reconciliation – reconcile the journal, individual ledger sheets, and the report of funds from the title company

A sample earnest money receipt form to be signed by the title company as evidence of receipt has been developed and is available from the Commission office/website. Several offices have developed their own form and are actively using it to document the deposits to the title companies. In addition, brokers have implemented QuickBooks to track the funds being held at the title company.

In summary, using a title company does not relieve the broker of the requirements to maintain the records of the earnest money and it may take a little effort to implement a system to adequately track these funds.

Q&A on Advertising Rule

North Dakota Administrative Code §70-02-03-02.1

70-02-03-02.1. Advertising.

1. Definition. As used in this section, the terms “advertise”, “advertising”, and “advertisement” include all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services conducted by mail, telephone, the internet, the world wide web, electronic mail, electronic bulletin board, or other similar electronic common carrier systems, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.
2. Trade name. Advertising must be done in the real estate brokerage agency’s trade name as licensed with the commission and the trade name must be prominently displayed.
3. Contact information. Advertising must include information on how the public can contact the real estate brokerage agency.
4. Advertising by licensees. Advertising by licensees must be under the supervision of the designated broker. Such advertising may include a licensee’s name and telephone number or other contact information, provided the real estate brokerage agency’s registered business name or trade name and contact information are also clearly included as required in this section.
5. Deception and misrepresentation prohibited. Advertising and promotion must be free from deception and shall not misrepresent the terms of the sale or purchase, real estate brokerage agency policies, or real estate brokerage services.
6. A real estate broker may advertise, in the licensee’s own name, property which is owned by the licensee, provided that immediately following the licensee’s name where it appears in the advertisement, the words “Owner/Licensed Broker” must also appear. The provisions of this subsection apply both to active broker licensees and licensees whose license is on an inactive status.
7. A real estate salesperson may advertise in that person’s own name property which is owned by the salesperson, provided that immediately following the name where it appears in the advertisement, the words “Owner/Licensed Salesperson” must also appear. The provisions of this subsection apply both to active salesperson licensees and licensees whose license is on an inactive status.

Q *Can the contact information be the company’s website or email address rather than the telephone number?*

A The rule requires that advertising include information on how the public can contact the real estate brokerage agency. The purpose is to provide the consumer with a workable means to contact the company, not just the licensee. Contact information can be any of the following:

- the company street address
- the company telephone number
- the company email address
- the company website address

Q *If I have my company contact information in my twitter profile do I also need to include it on every tweet?*

A The intent of the advertising rule is to ensure that it is clear to the consumer who a licensee works for & how to contact that entity. If you have your information in your twitter profile & the consumer can easily access that information it is not necessary to put it on every tweet.

Q *Do I have to have my company name and contact information on my home answering machine or on my personal cell phone voice mail?*

A Personal numbers are just that, personal. The company name and contact information are not required on the voice mail or answer machine greetings of your personal numbers.

Q *How small is too small for the company name on an advertisement?*

A The requirement is that the brokerage agency’s trade name be prominently displayed on advertising. The company trade name, as licensed with the commission, must be easy to read and apparent to the public as it views the advertisement.

Q *Do I need to include my company’s contact information on giveaway items such as pens, pencils, etc.?*

A Yes, as the rule states: “Advertising. 1. Definition. As used in this section, the terms “advertise”, “advertising”, and “advertisement” include all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services conducted by mail, telephone, the internet, the world wide web, electronic mail, electronic bulletin board, or other similar electronic common carrier systems, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.

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Non-renewals for 2014

These licensees did not renew their real estate licenses as of March 1, 2014. Any license not renewed by March 1st of each year is cancelled. If your name appears on this list in error please contact the North Dakota Real Estate Commission office immediately.

<i>Name</i>	<i>Home City</i>	<i>Home State</i>	<i>License Type</i>				
Arnegard, Michael J	Bismarck	ND	Broker	Baldwin, Connie L	Watford City	ND	Salesperson
Bogsted, Michael G	Mandan	ND	Broker	Baldwin, Preston A	Watford City	ND	Salesperson
Camamo, Kathy A	Chandler	AZ	Broker	Barker, Larry B	Grand Forks	ND	Salesperson
Campbell, Mark D	Columbine Valley	CO	Broker	Benshoof, Pauline A	Minot	ND	Salesperson
Christianson, W. Gordon	Jamestown	ND	Broker	Berve, Doyle A	Minot	ND	Salesperson
Donahue, Ashley Wainwright	Salem	VA	Broker	Blacker, Beth M	Dickinson	ND	Salesperson
Donnay, Chad P	Maple Grove	MN	Broker	Blumhagen, Rachael M	West Fargo	ND	Salesperson
Edwardson, Robert L	Carrington	ND	Broker	Bredell, Michelle C	Fargo	ND	Salesperson
Engebretson, Ricky L	Fargo	ND	Broker	Carluen, Andrea M	Grand Forks	ND	Salesperson
Fairchild, Richard W	Hunt	TX	Broker	Cayasso, Marion J	Fargo	ND	Salesperson
Happe, Douglas E	Maplewood	MN	Broker	Cook, Daniel J	Hawley	MN	Salesperson
Jelsing, Michael A	Hazen	ND	Broker	Corwin, Virginia T	Bismarck	ND	Salesperson
Jordan, Patricia J	Minneapolis	MN	Broker	Devlin, Beverly J	Finley	ND	Salesperson
LaFramboise, Gary F	Litchfield Park	AZ	Broker	Dura, Juanita J	Jamestown	ND	Salesperson
Langseth, Lynn A	Harvey	ND	Broker	Eickhof, Eric J	Grand Forks	ND	Salesperson
Ledger, Andrew D	Denver	CO	Broker	Engelstad, Lisa M	Bismarck	ND	Salesperson
Leet, Ralph H	Bismarck	ND	Broker	Evanson, Sharon L	Grand Forks	ND	Salesperson
Lien, Lester E	Harvey	ND	Broker	Fischer, Angela L	Bismarck	ND	Salesperson
McClellan, Jess D	Minnetonka	MN	Broker	Fox, Evelyn G	Breckenridge	MN	Salesperson
Meadows, Gregory D	Knoxville	TN	Broker	Frisbie, Steven T	Minneapolis	MN	Salesperson
Meidinger, Donald D	Ellendale	ND	Broker	Gallegos, Edward R	Grand Forks	ND	Salesperson
Monson, Rodney B	Jamestown	ND	Broker	Geiss, Wayne J	Hawley	MN	Salesperson
Patty, Carol L	Vadnais Heights	MN	Broker	Groninger, Melodee S	Minot	ND	Salesperson
Petersen, Karen L	Vail	CO	Broker	Harrison, Charles A	Minot	ND	Salesperson
Pladson, Mary S	St. Cloud	MN	Broker	Hauck, Christopher C	Sartell	MN	Salesperson
Russum, Vernon L	Grafton	ND	Broker	Haugen, Darcy E	Jamestown	ND	Salesperson
Schlosser, Mark Adam	Minneapolis	MN	Broker	Heiser, Robert L	Breckenridge	MN	Salesperson
Thompson, Daphne G	Shoreview	MN	Broker	Hintz, Howard B	Scottsdale	AZ	Salesperson
Thompson, Scott G	Minneapolis	MN	Broker	Hoff, Douglas M	Bowdon	ND	Salesperson
Baasch, Mathias C	West Fargo	ND	Broker Associate	Hoffman, Randall L	Bismarck	ND	Salesperson
Haarstad, James E	Moorhead	MN	Broker Associate	Holmes, Richard B	Lefor	ND	Salesperson
Hanson, Brian R	Minnetonka	MN	Broker Associate	Hoyme, Darren J	Kindred	ND	Salesperson
Moore, Paul T	Troutville	VA	Broker Associate	Hubbard, Holly E	Minot AFB	ND	Salesperson
Mugaas, Marsha M	Minot	ND	Broker Associate	Isaacson, Traci L	Mandan	ND	Salesperson
Olson, James D	Minot	ND	Broker Associate	Isensee, Lee E	Valley City	ND	Salesperson
Peyton, Whitney E	Minneapolis	MN	Broker Associate	Jahner, Kari L	Dickinson	ND	Salesperson
Schwitters, Lowell H	Clara City	MN	Broker Associate	Jensen, Larry R	Moorhead	MN	Salesperson
Tebay, Richard D	Laurel	MT	Broker Associate	Johnson, Eugene A	East Grand Forks	MN	Salesperson
Allen, Melissa N	Thompson	ND	Salesperson	Johnson, Gary E	Fargo	ND	Salesperson
Andrews, Joe E	Devils Lake	ND	Salesperson	Jones, Correen D	Minot	ND	Salesperson
Atkinson, Stacey L	Rugby	ND	Salesperson	Jose, April P	Bismarck	ND	Salesperson
Bachmeier, Scott R	Rhame	ND	Salesperson	Jung, Randi-Anne B	Mohall	ND	Salesperson
				Keller, Bruce A	Bismarck	ND	Salesperson

Korstad, LaDonna F	Moorhead	MN	Salesperson	Schroeder, Dezarae S	Barboursville	WV	Salesperson
Kraft, Robbi L	Bismarck	ND	Salesperson	Scott, Debra C	Grand Forks	ND	Salesperson
Kuehn, Jeffrey S	Glydon	MN	Salesperson	Shottenkirk, Heath C	Redfield	SD	Salesperson
Larson, Anna R	East Grand Forks	MN	Salesperson	Simmons, Jolene C	Glydon	MN	Salesperson
Lazarz, Carrie J	West Fargo	ND	Salesperson	Skaare, Jeffrey L	Dickinson	ND	Salesperson
Mahin, Mabel L	Wahpeton	ND	Salesperson	Smolak, Verlane J	Grand Forks	ND	Salesperson
Marshall, Althea A	Minot AFB	ND	Salesperson	Solberg, Eric G	Grand Forks	ND	Salesperson
Marvel-Tull, Lisa M	Fargo	ND	Salesperson	Sorenson, Frederick C	White Earth	ND	Salesperson
Mathiason, Susan K	Mohall	ND	Salesperson	Stamness, Gail E	Fremont	NE	Salesperson
Medenwald, Leslie C	Detroit Lakes	MN	Salesperson	Steen, David P	Brooklyn Park	MN	Salesperson
Mitzel, John J	Grand Forks	ND	Salesperson	Steinmetz, Leonard D	Carson	ND	Salesperson
Mosset, Jewel A	Strasburg	ND	Salesperson	Strand, Evelyn D	Moorhead	MN	Salesperson
Newton, Bradley J	Moorhead	MN	Salesperson	Strem, Ryan L	Fertile	MN	Salesperson
Niemiller, Lisa P	West Fargo	ND	Salesperson	Taralson, Terry L	Fargo	ND	Salesperson
Oksendahl, Connie F	Fargo	ND	Salesperson	Tescher-Johnston, Emily J	Velva	ND	Salesperson
Olivas, Peggy A	Duluth	MN	Salesperson	Tubbs, Robert J	Sutherland	NE	Salesperson
Olson, Sereena J	Moorhead	MN	Salesperson	Vaagene, Stephanie B	Northwood	ND	Salesperson
Olstad, Bruce A	West Fargo	ND	Salesperson	Vining, Beatrice M	West Fargo	ND	Salesperson
Owen, Walter L	Medora	ND	Salesperson	Waatti, Matthew J	Kalispell	MT	Salesperson
Papineau, Russell D	Tioga	ND	Salesperson	Waletzko, Janice E	Grand Forks	ND	Salesperson
Paulson, Janene M	Moorhead	MN	Salesperson	Walker, Mark T	Aurora	CO	Salesperson
Pearson, Michelle N	Moorhead	MN	Salesperson	Walsh, Jennifer L	Grand Forks	ND	Salesperson
Pederson, Jodi K	Menoken	ND	Salesperson	Whartnaby, John D	Fargo	ND	Salesperson
Rathjen, Laurel C	Beulah	ND	Salesperson	Wiemann, William (Bill) J	Alpine	WY	Salesperson
Reiten, Deanna D	Bismarck	ND	Salesperson	Wilmeth, Wesley "Scott"	Dickinson	ND	Salesperson
Richardson, Amanda A	Grand Forks	ND	Salesperson	Witthauer, Lindsey N	Grand Forks	ND	Salesperson
Romfo, Trudy M	Fargo	ND	Salesperson	Wright, Mary C	West Fargo	ND	Salesperson
Scheel, Eileen R	Moorhead	MN	Salesperson	Young II, Larry W	Grand Forks	ND	Salesperson
Scherr, Teri A	Bismarck	ND	Salesperson	Zacharias, Trista B	Bottineau	ND	Salesperson
Schmidt, Susan C	Sawyer	ND	Salesperson				

Q Do I need to have my company's contact information on my text messages or my emails?

A Yes, as noted in question #7 advertising is defined as and includes telephone, internet, email, electronic bulletin board or other similar electronic carrier systems (Facebook, LinkedIn, etc.).

Q We run our open house advertising in the MLS advertisement. Is the full company name and telephone number required if the advertisement is a part of the MLS open house advertisement?

A If an open house advertisement is part of the Board's or Association's MLS open house advertisement, the following guidelines apply:

- The ad must contain the Board or Association name and contact information, such as telephone number and website address, and
- Each individual open house advertisement must include the real estate company name as licensed.

Q My company's ad in the real estate magazine is more than one page. Do I need to have the company name and contact information on every page?

A Yes, each page would be viewed as a separate ad.

Q I use my "DID" (direct inward dial) number; that is, the company number that rings directly to my desk, on my advertising materials such as sign riders and written advertisements. Is this acceptable as a company number?

A No, it is not. The company contact information also must be on the advertisement. As the rule states, "advertising must include information on how the public can contact the real estate brokerage agency."

License Statistics

Year 2012	Active	Inactive	Cancelled
Corporation	156		10
LLC	64		4
LLP	8		
Partnership			
Broker	332	36	24
Broker Associate	226	18	10
Salesperson	1178	219	120
Total	1964	273	168

Year 2013	Active	Inactive	Cancelled
Corporation	164		8
LLC	72		6
LLP	8		
Partnership			
Broker	366	35	19
Broker Associate	229	15	16
Salesperson	1222	198	84
Total	2061	248	133

Year 2014	Active	Inactive	Cancelled
Corporation	176		11
LLC	86		11
LLP	9		
Partnership			
Broker	394	29	29
Broker Associate	238	18	9
Salesperson	1298	205	100
Total	2201	252	160

Diane Louser Reappointed to Commission

Governor Jack Dalrymple has reappointed Diane Louser of Minot to another five-year term on the North Dakota Real Estate Commission. She was first appointed to the Commission on July 1, 1994.

Commissioner Louser is an attorney and partner in the firm of Louser & Zent, PC located in Minot. She is a native of Garrison, ND and a graduate of the UND School of Law.

During her tenure Diane has served as Chairman of the Commission on 4 occasions.



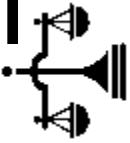
Disciplinary Actions Taken



The following disciplinary actions have become effective since the last report in the newsletter.
 A Stipulated Agreement is a settlement agreement between licensees and the Real Estate Commission and constitutes neither an admission nor a denial of any violation.

Name	Complaint Num	Status	Hearing Type	Order Date	Violation	Penalty
Baldwin, Connie L	2013-23	Closed	Stipulated	4/15/2014	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code section 70-02-03-02.1(2), (3), & (4) and 70-02-01-1.1. Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules by advertising an entity not licensed with the ND Real Estate Commission, and not including in her advertisements the company name and contact information under which she was licensed.	Stipulated to a \$250 fine and payment of \$200 investigative/legal fees both to be paid within 30 days of issuance of order.
Bullie, Kenneth B	2013-13	Closed	Stipulated	10/18/2013	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w), section 43-23-12 and ND Administrative Code subsections 70-02-03-02.1 (2), (3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules in printed advertising and on the website.	Stipulated to a \$300 fine and payment of \$300 investigative/legal fees both to be paid within 30 days of issuance of order.
Clement, Terrance L	2013-12	Closed	Formal	11/6/2013	Respondent was found in violation of NDCC 43-23-11.1(1) and ND Administrative Codes 70-02-03-05.1, 70-02-03-15.1, and 70-02-03-15.2. for failure to complete & retain a buyer's broker agreement, failure to disclose a non-agency relationship with a customer, failure to get a signed affirmative written agency disclosure, & failure to obtain and retain the required disclosures as noted in previous trust account audits.	Assessed a \$250 fine and \$4,034.42 investigative/legal fees.
Denis, Betsy J	2013-21	Closed	Stipulated	4/15/2014	Respondent is the broker and responsible for advertising by licensees licensed with her brokerage. Alleged violations by licensees licensed under Respondent may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1 (2), (3), & (4) and NDCC 70-02-01-11 (licensing a branch office). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules in printed advertising, Facebook and on the website. An office was advertised that had not been properly licensed as a branch office.	Stipulated to a \$250 fine and payment of \$170 investigative/legal fees both to be paid within 30 days of issuance of order.
Denis, Betsy J	2013-14	Closed	Stipulated	10/18/2013	Respondent is the broker and responsible for advertising by licensees licensed with her brokerage. Alleged violations by licensees licensed under Respondent may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1 (2), (3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules in printed advertising and on the website.	Stipulated to a \$250 fine and payment of \$170 investigative/legal fees both to be paid within 30 days of issuance of order.

Disciplinary Actions Taken



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 A Stipulated Agreement is a settlement agreement between licensees and the Real Estate Commission and constitutes neither an admission nor a denial of any violation.

Denis, Betsy J	2013-22	Closed	Stipulated	4/15/2014	Respondent is the broker and responsible for advertising by licensees licensed with her brokerage. Alleged violations by licensees licensed under Respondent may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1 (2), (3), & (4) and NDCC 70-02-01-11 (licensing a branch office). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules in printed advertising, Facebook and on the website. An office was advertised that had not been properly licensed as a branch office.	Stipulated to a \$250 fine and payment of \$170 investigative/legal fees both to be paid within 30 days of issuance of order.
Gregoire, Ernest J	2013-34	Closed	Stipulated	4/15/2014	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and 43-23-14.1 and ND Administrative Code subsections 70-02-01-15(1)(d). Respondent may have violated the rules and regulations by failing to respond to the Commission's requests for information regarding his trust account.	Stipulated to a \$250 fine and payment of \$280 investigative/legal fees both to be paid within 30 days of issuance of order.
Halvorson, Barry E	2013-14	Closed	Stipulated	10/18/2013	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1 (2), (3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules in printed advertising and on the website.	Stipulated to a \$250 fine and payment of \$170 investigative/legal fees both to be paid within 30 days of issuance of order.
Hatch, Erik R	2013-31	Closed	Stipulated	4/15/2014	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1, (2), (3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules on signs, radio advertisements and on his website.	Stipulated to a \$300 fine and payment of \$200 investigative/legal fees both to be paid within 30 days of issuance of order.
Huskey, Brian J	2013-23	Closed	Stipulated	4/15/2014	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code section 70-02-03-02.1(2), (3), & (4) and 70-02-01-11. Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules by advertising an entity not licensed with the ND Real Estate Commission, and not including in his advertisements the company name and contact information under which he was licensed.	Stipulated to a \$250 fine and payment of \$200 investigative/legal fees both to be paid within 30 days of issuance of order.

Disciplinary Actions Taken



The following disciplinary actions have become effective since the last report in the newsletter.
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Johnson, Marc C	2013-31	Closed	Stipulated	4/15/2014	Respondent is the broker and responsible for advertising by licensees licensed with his brokerage. Alleged violations by a licensee licensed under Respondent may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1(2), (3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules in printed advertising and on the website.	Stipulated to a \$300 fine and payment of \$200 investigative/legal fees both to be paid within 30 days of issuance of order.
Kallhoff, Anne M	2013-14	Closed	Stipulated	10/18/2013	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1(2), (3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules in printed advertising and on the website.	Stipulated to a \$250 fine and payment of \$170 investigative/legal fees both to be paid within 30 days of issuance of order.
Koski, Patrick M	2013-32	Closed	Stipulated	4/15/2014	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1(3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules on signs, open house advertisements and on his website.	Stipulated to a \$300 fine and payment of \$200 investigative/legal fees both to be paid within 30 days of issuance of order.
Krabseth, Blake A	2013-20	Closed	Stipulated	12/12/2013	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w), 43-23-12.1 and 43-23-14.1 and ND Administrative Code subsections 70-02-01-15. Respondent may have violated the rules and regulations by failing to accurately track earned money by individual account, failure to reconcile the trust account and liabilities on a monthly basis and failure to reconcile trust account to liabilities. In addition there was a finding of no broker funds in the account and wire fees being charged so trust funds were being used improperly.	Stipulated to a \$2000 fine and payment of \$350 investigative/legal fees both to be paid within 30 days of issuance of order.
Reiter, Jeffrey M	2013-23	Closed	Stipulated	4/15/2014	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code section 70-02-03-02.1(2), (3), & (4) and 70-02-01-1. Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules by advertising an entity not licensed with the ND Real Estate Commission, and not including in his advertisements the company name and contact information under which he was licensed.	Stipulated to a \$250 fine and payment of \$200 investigative/legal fees both to be paid within 30 days of issuance of order.

Disciplinary Actions Taken



The following disciplinary actions have become effective since the last report in the newsletter.
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Stebbins, Jack D	2013-19	Closed	Stipulated	12/12/2013	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code section 70-02-03-05.1. Respondent may have violated the rules and regulations by failure to consistently complete buyer agency forms.	
Streifei, Norman T	2013-30	Closed	Stipulated	4/15/2014	Respondent's conduct may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code section 70-02-01-15. Respondent may have violated the rules and regulations by failing to consistently use ledger sheets to track buyer funds.	Stipulated to a \$250 fine and payment of \$280 investigative/legal fees both to be paid within 30 days of issuance of order.
Wachter, Chad A	2013-32	Closed	Stipulated	4/15/2014	Respondent is the broker and responsible for advertising by licensees licensed with his brokerage. Alleged violations by a licensee licensed under Respondent may have constituted violations of NDCC 43-23-11.1(1)(p) & (w) and ND Administrative Code subsections 70-02-03-02.1(3), & (4). Respondent may have violated the rules and regulations based on evidence of failure to follow the advertising rules on signs, open house advertisements and on his website.	Stipulated to a \$300 fine and payment of \$200 investigative/legal fees both to be paid within 30 days of issuance of order.

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Have a Safe & Happy 4th!

