



North Dakota Real Estate Commission Meeting Minutes -- FINAL
8:30 a.m., Wednesday, December 19, 2018
Lecture Rooms A and B, N.D. Heritage Center
State Capitol grounds, Bismarck
ndrec@nd.gov 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, accountant/CPA, and Kristi Hass, licensing specialist. 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. Review and approval of agenda. Ms. Diane Louser to approve agenda with three changes: 1) addition of Ms. Megan Upton to agenda item VI; 2 and 3) removal of Ms. Paula Michel and Ms. Alie Dorn from agenda item VII, as they requested their application reviews be heard at the February 4, 2019 meeting. Ms. Sandra Meyer seconded. Motion carried on a voice vote.
- IV. Procedure for discussing confidential criminal history record checks pursuant to NDCC chapter 12-60, when necessary.
Mr. Cymbaluk and Ms. Connie Hofland, special assistant attorney general, explained how the commission would discuss confidential criminal history record checks in executive session within the meeting, and the valid use of criminal history records in considering a license application.
- V. Review of tabled license application – Joseph Erb. See attachment for actions on all license applications.
- VI. Request for waiver of salesperson pre-license education, national exam – Shayla Brown and Megan Upton. See attachment for actions on all license applications.
- VII. Review of license applications. See attachment for actions on all license applications.
- VIII. Appeal of denied reciprocal (MN) salesperson license applications – Gabriel Haney. See attachment for actions on all license application denials.
- IX. Update on complaints.
 - A. Case 2018-14 – Renae Lundry v. Carrie Montoya – Memorandum. Mr. Steven Bitz moved to dismiss Case 2018-14. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk. Motion carried unanimously.
 - B. Case 2018-20 – Steven Cole v. Shirley Moen – Memorandum. Mr. Breidenbach moved to dismiss Case 2018-20. Ms. Louser seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. 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.

- X. Update from management.
 - A. Recent meetings – Licensing Board Training Oct. 30, 2018. The commission discussed this training, which may be held again. Ms. Prom provided some important points made by the assistant attorneys general providing the training.
 - B. Potential legislation update. Ms. Prom and North Dakota Association of REALTORS® Executive Director Jill Beck provided updates. The commission agreed by consensus to support legislation when drafted to amend NDCC §43-23-05.1, to allow for licensing of a broker organization.
 - C. NDAC Ch. 70-01-01 rules review. Mr. Bitz expressed interest in assisting with a review of rules and statutes.
 - D. Broker education, application and assessment. Ms. Prom will investigate what other states offer for pre-licensing education for brokers. Staff will review broker and salesperson applications and how they will transfer to online applications.
 - E. Guidance review – personal assistants. The commission suggested that statute and rule citations should be added to the guidance document.
 - F. Office update – renewals, modernization. Ms. Prom provided a report on the renewal process. The commission directed Ms. Prom to provide a proposal for an additional staff member at the February 4, 2019 meeting.
 - G. Trust account waivers. The commission received a list of trust account waivers approved by staff since the last commission meeting.
 - H. 2018-2019 priorities. The commission acknowledged the priorities.
 - I. Other business. The commission had no other business to discuss.
- XI. Minutes – October 10, 2018 meeting. Ms. Louser moved to approve the minutes from the October 10, 2018 meeting as presented. Mr. Breidenbach seconded. Motion carried unanimously by voice vote.
- XII. Financial reports – October and November 2018, bank –signing authority. Mr. Breidenbach moved to approve authority for Mr. Rob Yost , auditor CPA, to sign all financial and bank documents except the Bank of North Dakota checking account, and to approve access for Mr. Yost to all bank account records. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk. Motion carried unanimously. Mr. Breidenbach moved to waive late fees for any renewals received after November 15, 2018 and before December 1, 2018 for this renewal year only. Mr. Bitz seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk. Motion carried unanimously. Ms. Meyer moved to approve the financial reports from October and November 2018 as presented. Mr. Bitz seconded. Motion carried unanimously by voice vote.
- XIII. Next meeting. The meeting will begin at 1:00 p.m., Monday, February 4, 2019 in Lecture Rooms A and B in the N.D. Heritage Center, N.D. Capitol grounds, Bismarck.
- XIV. Adjourn. Chair Cymbaluk adjourned the meeting at 12:28 p.m.

attachment

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NAME	LICENSE/OTHER APPLYING/REQUESTING:	ACTION BY COMMISSION:
V. Joseph Erb – present on phone	salesperson – reciprocal -- MN	Ms. Meyer moved to continue to table the application from Mr. Joseph Erb for up to 1 year so Mr. Erb can provide the commission with an updated satisfactory credit report. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VI. Shayla Brown – present on phone	salesperson and waiver of pre-licensure education and national exam	Mr. Breidenbach moved to waive the national portion of the salesperson examination and allow Ms. Shayla Brown to take the state examination after completion of the 45-hour pre-licensure course. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VI. Megan Upton – present on phone	Salesperson and waiver of	Mr. Breidenbach moved to waive the national portion of the salesperson examination and allow Ms. Megan Upton to take the state examination after completion of the 45-hour pre-licensure course, completed satisfactory criminal background check, and staff receive updated information showing all payments are current. Mr. Bitz seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII.A. Marisela Ramirez – present in person	salesperson	Ms. Meyer moved to waive the national portion of the salesperson examination and allow Ms. Marisela Ramirez to take the state examination after completion of the 45-hour pre-licensure course, and a credit report is run again and is satisfactory. Mr. Breidenbach seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VI.C. James Connell – present on phone	salesperson	Mr. Bitz moved to table the application from Mr. James Connell until accounts are paid in full and a new credit report is run. Mr. Breidenbach seconded. Roll

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		call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. D. Katie Eckdahl – present in person	salesperson	Ms. Louser moved to table the application from Ms. Katie Eckdahl until Ms. Eckdahl provides documentation showing an acceptable payment plan on two credit cards. Ms. Meyer seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. E. Cynthia Newton – present by phone	salesperson	Ms. Louser moved to deny the application from Ms. Cynthia Newton. Ms. Meyer seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. F. Joseph Ficenecc – present in person	salesperson	Chair Cymbaluk announced that the commission was going into executive session to discuss confidential criminal history record check pursuant to NDCC chapter 12-60. Only the commission, special assistant attorney general, staff and the applicant were present in the executive session. Chair Cymbaluk reconvened the open meeting and members of the public were invited to rejoin the meeting. Mr. Bitz moved to allow Mr. Joseph Ficenecc to take the salesperson examination. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. F. James Dahl – present by phone	salesperson	Chair Cymbaluk announced that the commission was going into executive session to discuss confidential criminal history record check pursuant to NDCC chapter 12-60. Only the commission, special assistant attorney general, staff and the applicant were present in the executive session. Chair Cymbaluk reconvened the open meeting and members of the public were invited to rejoin the meeting. Mr. Breidenbach moved to allow Mr. James Dahl to take the salesperson examination. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. G. Ryan Ell – present by phone	salesperson	Chair Cymbaluk announced that the commission was going into executive session to discuss confidential criminal history record check pursuant to NDCC chapter 12-60. Only the commission, special assistant attorney general, staff and the applicant were present in the executive session. Chair Cymbaluk reconvened the open meeting and members of the public were invited to rejoin

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		the meeting. Mr. Breidenbach moved to deny the salesperson application from Mr. Ryan Ell. Mr. Bitz seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII.I. Shawn Elizabeth Neidecker – present by phone	salesperson and waiver of national exam	Chair Cymbaluk announced that the commission was going into executive session to discuss confidential criminal history record check pursuant to NDCC chapter 12-60. Only the commission, special assistant attorney general, staff and the applicant were present in the executive session. Chair Cymbaluk reconvened the open meeting and members of the public were invited to rejoin the meeting. Ms. Louser moved to waive the national portion of the salesperson examination and allow Ms. Shawn Neidecker to take the state portion of the exam. Mr. Breidenbach seconded. Roll call vote: ayes – Ms. Louser, Mr. Breidenbach; nays -- Mr. Bitz, Ms. Meyer, Mr. Cymbaluk. Motion failed on a 2-3 vote. The application is denied.
VIII. Gabriel Haney – present by phone	Appeal of denied salesperson – reciprocal – MN	Chair Cymbaluk announced that the commission was going into executive session to discuss confidential criminal history record check pursuant to NDCC chapter 12-60. Only the commission, special assistant attorney general, staff and the applicant were present in the executive session. Chair Cymbaluk reconvened the open meeting and members of the public were invited to rejoin the meeting. Mr. Breidenbach moved to issue a reciprocal salesperson license to Mr. Gabriel Haney after Mr. Haney pays to run a new credit report that shows payments are up-to-date. Ms. Meyer seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.