



**North Dakota Real Estate Commission Meeting Minutes -- FINAL**  
**8:45 am, Wednesday, July 24, 2019**  
**Lecture Rooms A & B, ND Heritage Center**  
**State Capitol grounds, Bismarck ND**  
[www.realestatend.org](http://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; Jacob Koepke, temporary program assistant. Members of the public also present.

The commission took a group picture prior to the meeting.

- I. Call to order. Chair Mr. Scott Breidenbach called the meeting to order at 8:45 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. Recognition of new Chair Mr. Scott Breidenbach, Vice Chair Ms. Sandra Meyer and Commissioner Steven Link. Mr. Breidenbach noted the commission's new leadership and member.
  - IV. Review and approval of agenda. Mr. Steven Link moved to approve the agenda with 1 change to move the discussion of 2019-2020 priorities to shortly after the break. Mr. Roger Cymbaluk seconded. Motion carried by unanimous voice vote.
  - V. Review of broker application, waiver of two-year experience requirement. See attachment for actions on all license applications.
  - VI. Review of salesperson license application, request for waiver of national portion of exam – Alicia Heck. See attachment for action on all license applications.
  - VII. Review of salesperson license applications. See attachment for actions on all license applications.
  - VIII. Update on complaints.
    - A. Combined Case 2019-01 – Yang v. Greaves and Case 2018-16 – Vestal v. Greaves – Stipulation and Settlement. Mr. Cymbaluk moved to accept the stipulation and settlement as presented by Ms. Constance Hofland, legal counsel. Mr. Link seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
    - B. Case 2018-01 – NDREC v. Lori Lingenfelter. Ms. Hofland reported that the personal representative from Ms. Lori Lingenfelter's estate will contact Mr. Rob Yost, auditor/CPA, directly on what the commission needs to review the trust account.
  - IX. Update from management (in order of discussion).
    - A. Disclosure statement. Mr. Link moved to approve the latest draft of the property disclosure statement as presented by Ms. Hofland with the following additions: and option for conditions to be "unknown," initials required on each page, and language that all brokers must retain a copy of the property disclosure statement in their files. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
- Mr. Breidenbach called a brief recess at 10:38 a.m. and reconvened the meeting at 10:44 a.m.

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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, auditor/CPA; Kristi Hass, licensing specialist.

- F. 2019-2020 priorities. The commission agreed by consensus that the following are priorities for the next year: reviewing the agency statues and administrative rules (including reviewing requirements for printing licenses and displaying them), and actively pursuing new office space. Mr. Breidenbach directed Ms. Prom to present a plan at the next meeting that assigns statute and rule sections to specific commission and staff for their review.
- B. Military/spouse licensing. Mr. Cymbaluk moved to add these revised questions and instructions on the salesperson and broker applications: *“Are you a member of the military? (yes or no) Are you a real estate licensee in another state who is a spouse of a member of the armed forces of the United States or a reserve component of the United States stationed in North Dakota in accordance with military orders or stationed in North Dakota before a temporary assignment to duties outside of this state? (yes or no) If you answered yes to either question, please submit with this license application a copy of military orders and current military ID for the military member.”* Mr. Link seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
- C. Office update. Mr. Cymbaluk moved to accept the offer from Rice Insurance Services Company LLC to provide North Dakota group errors and omissions insurance at a cost of \$187/individual North Dakota licensee from January 1, 2020 to January 1, 2021. Mr. Link seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
- Independent annual or biennial audit of ND Real Estate Commission. Mr. Cymbaluk moved to conduct an audit of the North Dakota Real Estate Commission every 2 years (biennially) and that staff should obtain comparable proposals from 2 accounting firms to be reviewed at the next commission meeting. Mr. Link seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
- Trust account desk audits. Auditor/CPA Mr. Rob Yost reported that the trust account desk audits will begin soon. The commission agreed by consensus to review the process for reconciling monthly statements from title companies after Mr. Yost completes some desk audits.
- Staff update. Ms. Prom introduced Mr. Jacob Koepke, who she hired as a temporary full-time program assistant at \$15/hour.
- New online system update. Mr. Cymbaluk moved that it is the ND Real Estate Commission’s policy that all license renewals beginning with the 2020 renewals be submitted online and that all licensees must provide a current individual email address. Mr. Breidenbach seconded. Motion carried by unanimous voice vote.
- D. Trust account waivers. The commission received the list of trust account waivers.
- E. 2019-2020 schedule. The commission set the following dates for the upcoming year, subject to change if needed: 2019 – September 4 (replacing the previously scheduled August 21 meeting), November 20; 2020 – January 22, March 11, May 6 and June 24. Ms. Prom will assure staff coverage Nov. 11, which is a state holiday occurring 4 days before the deadline for annual license renewals.
- X. Financial reports – May 2019 and June 2019. Mr. Cymbaluk moved to approve the May 2019 and June 2019 financial statements. Mr. Link seconded. Motion carried by unanimous voice vote.

- XI. Minutes – June 4, 2019 meeting. Mr. Cymbaluk moved to approve the minutes as presented from the June 4, 2019 meeting. Mr. Steven Bitz seconded. Motion carried by unanimous voice vote.
- XII. Other business. The commission agreed by consensus that Ms. Prom will get an office cell phone, will provide an email update to licensees 4 times per year and will post disciplinary action outcomes online and in the email updates. A printed newsletter is no longer published.
- XIII. Next meeting. The meeting will begin at 8:30 a.m., Wednesday, September 4, 2019 in Bismarck, room TBD.
- XIV. Adjourn. Chair Breidenbach adjourned the meeting at 12:20 p.m.

attachment



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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
V. A. Melodee Groninger – not present	broker, waive 2-year experience requirement	Mr. Cymbaluk moved to waive the 2-year experience requirement and allow Ms. Melodee Groninger to take the broker examination after she takes the 60-hour broker pre-licensing course. Mr. Bitz seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
V. B. Thomas Schuett – present in person	reciprocal (MN) broker, waive 2-year experience requirement	Mr. Cymbaluk moved to allow Mr. Thomas Schuett to take the complete broker examination after he has taken broker pre-licensure education, and to work with staff on how to license his firm and a managing broker in North Dakota. Mr. Link seconded. Discussion: ND license law requires an active license in the state of residence to be a non-resident broker. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VI. Alicia Heck – present on phone	salesperson, waive national portion of exam	Mr. Bitz moved to waive the national portion of the salesperson exam for Ms. Alicia Heck, and allow her to take the state portion of the exam after she submits official documentation to staff that debts are managed and current. Mr. Link seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VII. Lana Berman – present in person	salesperson	Mr. Cymbaluk moved to allow Ms. Lana Berman to take the salesperson examination after she submits the following to staff within 60 days: a signed payment plan for 6 accounts, and acceptable documentation that 4 other accounts are managed and current. Ms. Sandra Meyer seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VII. B. Sky Christensen – present on phone	salesperson	Mr. Cymbaluk moved to table Ms. Sky Christensen’s salesperson application for 1 year, during which time she must provide staff with official documentation of

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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
		payment plan or payment in full of the GM account; and official documentation that all accounts are current. Mr. Bitz seconded. Discussion: After staff receives acceptable documentation, the commission will review the application again at a future meeting. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VII. C. Elizabeth Johnson – present in person	salesperson	Mr. Cymbaluk moved to allow Ms. Elizabeth Johnson to take the salesperson exam after she provided staff with official documentation that the Toyota account is current. Mr. Link seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer; nays – Mr. Breidenbach. Motion carried 4-1.
VII. D. Jamie Stevenson – present on phone	salesperson	Mr. Breidenbach moved to allow Ms. Jamie Stevenson to take the salesperson exam. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VII. E. Heather Kraft – present in person	salesperson	Mr. Cymbaluk moved to allow Ms. Heather Kraft to take the salesperson exam. Mr. Link seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VII. F. Christopher Volk – present in person	salesperson	Mr. Bitz moved to table the salesperson application from Mr. Christopher Volk until he provides staff with official documentation that all accounts are managed and current, then allow Mr. Volk to take the salesperson examination. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VII. G. Antonia Walden – present on phone	salesperson	Mr. Cymbaluk moved to allow Ms. Antonia Walden to take the salesperson exam. Ms. Meyer seconded. Roll call vote: ayes – Mr. Bitz, Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.