



North Dakota Real Estate Commission Meeting Minutes -- FINAL

10:00 a.m., Thursday, August 24, 2023 – virtual only

1120 College Dr Ste 204, Bismarck, ND

www.realestatend.org

Present by Teams: Tate Cymbaluk, chair; Scott Breidenbach, vice chair; members: Sandra Meyer, Steven Bitz, Steven Link; David Phillips, special assistant attorney general; staff: Jeanne Prom, executive director; Rob Yost, CPA/auditor; Cieana Schneider, licensing specialist. Members of the public also present by Teams.

1. Call to order, roll call and determination of quorum. Chair Mr. Tate Cymbaluk called the meeting to order at 10:00 a.m. Ms. Jeanne Prom, executive director, called the roll, with a quorum of 4 of 5 members present.
2. Review and approval of agenda. Mr. Scott Breidenbach moved to approve the agenda as presented. Ms. Sandra Meyer seconded. Motion carried by unanimous voice vote.
3. Review of applicants. There were no license applicants to review.
Commissioner Steven Link joined the meeting.
4. Update on complaints.
 - A. 2021-13 – NDREC v. Flint Forsberg. Mr. David Phillips, special assistant attorney general, reviewed the settlement signed by Mr. Forsberg. Mr. Link moved to accept the settlement to 2021-13 – NDREC v. Flint Forsberg, as signed by Mr. Forsberg, forever prohibiting Mr. Forsberg from holding a N.D. real estate license. Mr. Steven Bitz seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
5. Update from management.
 - A. 2023-2024 priorities. On September 12, 2023, Ms. Prom and Ms. Cieana Schneider, licensing specialist, will participate in an FBI audit of the commission's use, retention and disposal of FBI criminal history records obtained through the N.D. Office of Attorney General's Bureau of Criminal Investigation (BCI).
Staff have updated continuing and pre-licensure education course review fees to new levels approved by the commission at the June 8, 2023 meeting. CE courses are now certified by the commission through April 30 of each year, extending the current certification time from November 15 of the previous year.
The commission discussed discontinuing the use of test codes but took no action.
The commission directed Ms. Prom to discuss test provider experiences with colleagues at the upcoming ARELLO conference. Ms. Prom will secure a proposal from PSI for discussion at the next commission meeting.
Mr. Breidenbach moved to spend up to \$5,000 this fiscal year from the education fund for educational online tutorials. Ms. Meyer seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
Mr. Breidenbach moved to expend up to \$4,000 this fiscal year from the education fund for education-related staff time. Ms. Meyer seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
The commission directed Ms. Prom to discuss use of education funds with the Governor's office.
Mr. Rob Yost, CPA/auditor, reported that the commission's financial accounts are either interest-bearing or he maintains a minimal non-interest-bearing balance, so sweeping the accounts would not result in greater returns than currently earned.
The commission directed Mr. Yost to research monthly costs from PayPal and Venmo if the commission decided to accept these kinds of payments.
Mr. Link moved that Ms. Prom, executive director, and Mr. Bitz, commissioner, continue to serve as the signatories for bank and investment documents. Mr. Breidenbach seconded.

Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

B. 2023-2024 mandatory CE topics. Mr. Breidenbach moved that during the November 16, 2023 through November 15, 2024 continuing education cycle, broker and broker associates must complete 3 hours on the mandatory topic of broker responsibility, and salespersons must complete 3 hours on the mandatory topic of contract law with a focus on purchase agreements. Mr. Bitz seconded. Discussion: The mandatory topics will cover identified learning objectives suggested by the N.D. Association of Realtors. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

C. Trust account waivers. The commission received a list of recent trust account waivers.

D. Trust account audits. Mr. Rob Yost reviewed recent trust account audits. The commission clarified that Mr. Yost's job as auditor does not include instruction to brokers on balancing accounts. The commission agreed by consensus that a broker should hire an accountant, if necessary to record the firm's fiscal transactions.

E. Next meetings. The commission's next regular meeting is at 10 a.m., Thursday, October 26, 2023.

The commission will meet in a special meeting at 9 a.m., Tuesday, August 29, 2023, to conduct the hearing on complaint 2022-09 – Dina and Myron Goodman v. Mike Nelson and Danielle Levey.

Some commissioners and staff will participate in the Office of Attorney General's Professional Licensing Board Training Seminar on October 25, 2023.

The commission will be meeting with the N.D. Labor Commissioner at a date to be determined before March 2024. This meeting is required as part of legislation passed in 2023, SB 2249.

The law requires the Labor Commissioner to gather information from occupational boards on their continuing education requirements and their process used to license out-of-state practitioners.

F. License applications, numbers. The commission reviewed current license application and licensee numbers, compared to previous years.

6. Financial reports – May 2023 through July 2023. Mr. Link moved to approve the May 2023 through July 2023 financial statements. Mr. Bitz seconded. Motion carried by unanimous voice vote.

7. Minutes – June 8, 2023 meeting. Mr. Link moved to approve the July 8, 2023 minutes as presented. Mr. Bitz seconded. Motion carried by unanimous voice vote.

8. Other – next meeting – October 26, 2023. This meeting may be rescheduled as some commissioners may have conflicts.

Chair Cymbaluk congratulated Vice Chair Breidenbach, who will be installed as the 2024 president of the Association of Real Estate License Law Officials (ARELLO) next month.

Adjourn. Chair Cymbaluk adjourned the meeting at 11:00 a.m.