



North Dakota Real Estate Commission Special Meeting Minutes -- FINAL
9:00 a.m., Friday, December 15, 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; Tiffany Grossman, assistant attorney general; staff: Jeanne Prom, executive director; Rob Yost, CPA/auditor; Candie Robinson, licensing specialist. Members of the public also present by Teams including David Phillips, special assistant attorney general representing the State; and Lance Shurtleff representing the respondents.

1. Call to order, roll call and determination of quorum. Chair Mr. Tate Cymbaluk called the special meeting to order at 9:00 a.m. Ms. Jeanne Prom, executive director, called the roll, with a quorum of all members present.
2. Approval of agenda. Mr. Steven Link moved to approve the agenda as presented. Mr. Steven Bitz seconded. Motion carried by unanimous voice vote.
3. Approval of minutes from the November 9, 2023 meeting. Mr. Scott Breidenbach moved to approve the minutes from the November 9, 2023 meeting as presented. Mr. Link seconded. Motion carried by unanimous voice vote.
4. Final action on revised findings of fact and conclusions of law -- 2022-09 – Myron and Dina Goodman, complainants, v. real estate licensees Mike Nelson and Danielle Levey, respondents. Ms. Prom and Ms. Tiffany Grossman, assistant attorney general, explained the November 14, 2023 letter from Mr. Mike Nelson, and Ms. Grossman offered recommendations if the commission wanted to act on the letter. Mr. Nelson, a designated broker, said in his letter that he accepted the commission's findings but requested the commission remove any and all charges and fines that may be levied against the other respondent, Ms. Danielle Levey, a salesperson in his firm. Mr. Cymbaluk stated the commission found that both respondents were responsible for violations. The commission took no action on the letter.
Mr. Bitz moved to approve the revised findings of fact and conclusions of law -- 2022-09 – Myron and Dina Goodman, complainants, v. real estate licensees Mike Nelson and Danielle Levey, respondents. Ms. Sandra Meyer seconded. Discussion: Ms. Prom stated the commission orders based on the revised findings of fact and conclusions of law are:
 1. That Respondents Nelson and Levey each be assessed a fine of \$1,000 for violations of N.D.C.C. §§ 43-23-11.1(1)(p), and 43-23-12.1(2).
 2. That Respondents Nelson and Levey each be assessed one fourth of the actual costs, including attorney's fees, incurred by the Commission in the investigation and prosecution of the case. Total costs, including attorney's fees, are \$8,184.80 with \$2,046.20 being assessed to Respondent Nelson and \$2046.20 being assessed to Respondent Levey.
 3. That Respondents Nelson and Levey each be issued a letter of reprimand for violation of N.D.C.C. § 43-23-11.1(1)(v).

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

Ms. Grossman stated respondents have 30 days to appeal to District Court, once the final, signed order is served to them.

Mr. Cymbaluk thanked Ms. Grossman for her legal advice.

Mr. Cymbaluk reminded the commission the next regular meeting is January 25, 2024, unless commissioners inform Ms. Prom of schedule conflicts.

Adjourn. Mr. Link moved the meeting be adjourned. Ms. Meyer seconded. Motion carried by unanimous voice vote. Chair Cymbaluk adjourned the special meeting at 9:10 a.m..