



**North Dakota Real Estate Commission Meeting Minutes -- FINAL**  
**10:00 a.m., Thursday, April 25, 2024**  
**1120 College Dr Ste 204, Bismarck, ND**

[www.realestatend.org](http://www.realestatend.org)

Present: Tate Cymbaluk, chair; Scott Breidenbach, vice chair (by Teams); 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.

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 all members present.
2. Review and approval of agenda. Mr. Steven Link moved to approve the agenda as presented. Ms. Sandra Meyer seconded. Motion carried by unanimous voice vote.
3. Financial reports – March 2024. Mr. Link moved to approve the March 2024 financial statements. Ms. Meyer seconded. Motion carried by unanimous voice vote.
4. 2024-2025 draft budget, fees, contracts, priorities.

Ms. Prom and Mr. Rob Yost reviewed the agency fiscal status, license and application numbers, current fees, projected income and expenses, detailed draft budget, schedule of contracts and major expenses, and current and proposed priorities. Mr. Scott Breidenbach suggested that the priority on legislation include pursuing expanding the commission's jurisdiction to allow issuing cease and desist orders to address unlicensed activity. Mr. Link moved to increase salaries and the commission compensation daily rate by 4%, the legislative guidance. Mr. Steven Bitz seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

Mr. Bitz moved to increase the legal hourly rate from \$250/hour to \$275/hour. Ms. Meyer seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

Mr. Link moved to allow staff to sign the renewal letter for errors and omissions insurance from Rice Insurance for January 1, 2025 through January 1, 2026, if at the same rate of \$187 per year, or up to \$225 per year. Ms. Meyer seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

Mr. Link moved to allow staff to sign the final PSI Order No. 1 for 1 year, with renewal for up to 3 additional 1-year terms, by mutual written agreement with PSI, and to approve the final Master Services Agreement that allows the commission to own the state salesperson exam and the state broker exam. Mr. Bitz seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

Ms. Meyer moved to approve the 2024-2025 detailed budget as presented. Mr. Link seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

Mr. Breidenbach moved to approve the 2023-2024 priorities report and to adopt 2024-2025 priorities. Mr. Link seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

Mr. Breidenbach explained why he was not able to attend the meeting in person.

5. Review of nonresident broker applicant Joel Hinckley.  
The commission discussed and Mr. Joel Hinckley explained his bankruptcy, which was disclosed after the initial application. Mr. Bitz moved to deny Mr. Joel Hinckley's broker application for licensure due to lack of initial disclosure of bankruptcy on his application. Ms. Meyer seconded. Discussion: The commission discussed the denial process, and the option to reapply. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously. Staff will contact Mr. Hinckley to explain his right to appeal the denial.
  6. Update on complaints (discussed after 7.)
    - A. 2023-03 – LeRae Vangsness v. Xavier Welty – settlement. Special Assistant Attorney General David Phillips reviewed the signed stipulation and settlement agreement that includes admission of faults by Mr. Welty, and requires Mr. Welty to take a best practices continuing education course, and, within 6 months of license activation, pay \$600 in investigation costs. Mr. Breidenbach moved to approve the signed stipulation and settlement in 2023-03 – LeRae Vangsness v. Xavier Welty, as presented by Mr. Phillips. Mr. Link seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
    - B. Investigation of potential unlicensed activity – oral report.  
Mr. Phillips reported that investigation into potential unlicensed activity has begun with initial document gathering.
  7. Update from management.
    - A. Reciprocity. The commission sent letters of interest in reciprocity to the South Dakota Real Estate Commission and the Montana Board of Realty Regulation. The commission agreed by consensus that staff and Mr. Phillips will begin a further analysis of the states' laws and regulations immediately if South Dakota or Montana expresses interest in a potential reciprocity agreement, and restated that the initial intention was to pursue reciprocity with adjacent states.
    - B. Next meetings. The commission agreed by consensus to convene 2024-2025 meetings at 8:30 a.m. on the dates proposed, subject to change as needed, and moved the October 24 meeting to October 17, 2024. Meetings are: 2024 -- August 22 and October 17, and 2025 -- January 30, March 27 and May 8.
    - C. Trust account waivers. Ms. Ciana Schneider provided a written report of recent trust account waivers.
    - D. Trust account audits. Mr. Yost reviewed recent trust account audits. Mr. Yost will continue to monitor some firms' team policies, ledgers, and their confirmation and reconciliation of earnest money deposits.
  8. Minutes – March 21, 2024.  
Mr. Link moved to approve minutes from March 21, 2024 meeting as presented. Mr. Bitz seconded. Motion carried by unanimous voice vote.
  9. Other – election of chair, vice chair.  
Mr. Bitz moved to elect Mr. Scott Breidenbach as chair and Ms. Sandra Meyer as vice chair for 2024-2025. Mr. Link seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
- Adjourn. Chair Cymbaluk adjourned the meeting at 11:07 a.m.