



## North Dakota Real Estate Commission Meeting Minutes -- FINAL

8:30 a.m., Thursday, May 8, 2025

1120 College Dr Ste 204, Bismarck, ND

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

Present: Scott Breidenbach, chair; Sandra Meyer, vice chair; members: Steven Bitz, Steven Link, Tate Cymbaluk; 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. Scott Breidenbach called the meeting to order at 8:30 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. Mr. Steven Bitz seconded. Motion carried by unanimous voice vote.
3. Financial reports – February-March 2025. Mr. Link moved to approve the February and March 2025 financial statements as presented by Mr. Rob Yost, CPA/auditor. Mr. Bitz seconded. Motion carried by unanimous voice vote.
4. 2025-2026 draft budget, fees, contracts, priorities.

Ms. Prom and Mr. 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 including errors and omissions insurance and a new lease agreement, and current and proposed priorities.

The commission agreed by consensus to continue the current process of requesting applicants submit a check to the Office of Attorney General with their fingerprints and not adding the cost of processing the fingerprints at the same time the individual pays the application fee.

The commission discussed salary information available from other licensing boards and the Office of Management and Budget (OMB) job classification salary ranges. Licensing board employees cannot be classified, but some boards use OMB salary ranges as a guide.

The commission agreed by consensus to table the proposed budget for a special meeting in the near future.

Mr. Link moved to approve the 2025-2026 priorities as presented. Ms. Sandra Meyer seconded. Motion carried by unanimous voice vote.
5. Review of applicant/s. No applicants needed review.
6. Update on complaints
  - A. Rodney Richter – stipulation and settlement agreement. Special Assistant Attorney General David Phillips reviewed the stipulation and settlement agreement signed by Mr. Rodney Richter and Mr. Phillips. The agreement states that the commission did not bring a formal complaint against Mr. Richter, that Mr. Richter agrees the commission shall cancel Mr. Richter's license and that Mr. Richter shall be forever prohibited from holding a North Dakota Real Estate license. Mr. Bitz moved to approve the signed stipulation and settlement agreement with Mr. Rodney Richter, as presented by Mr. Phillips. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
  - B. 2025-01 – Edwin Aybar Lopez v. Nicholas Nymark.

Mr. Phillips reported on his investigation and recommended this case be set for hearing. Mr. Bitz moved to set 2025-01 – Edwin Aybar Lopez v. Nicholas Nymark for hearing. Mr. Tate Cymbaluk seconded. Discussion: As of 2025, Mr. Nymark is no longer licensed in

North Dakota and has an inactive Minnesota license. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

7. Update from management.

A. Legislation review. Ms. Prom reviewed law changes in the budget discussion.

HB 1125 -- License law changes effective August 1, 2025 will: clarify language on referrals with in- and out-of-state licensees; add into statute from NDAC 70-02-03-03 language on dividing or sharing commission with an out-of-state broker; allow broker applicants to take the license exam prior to completing the pre-licensure course; remove specific dates for license renewal; and remove references to “residential” real property to clarify that disclosure is required for wholesaling any real property.

SB 2204 -- The commission must add required language on radon health hazards to the property condition disclosure statement.

SB 2308 -- The commission will be part of the study undertaken by a to-be-appointed Governor’s task force of all boards and commissions. One task force member will be a representative from an occupational licensing board.

SB 2395 -- The commission must report license statistics to the Labor Commissioner to assure compliance with new uniform standards for all occupational licensing boards.

NDCC 54-10-27 -- The commission also discussed the income threshold of \$200,000 for boards who are exempt from a full audit, as audits are increasing in costs. This was not 2025 legislation, but this language in current statute (NDCC 54-10-27) could be increased in a future legislative session.

ND Administrative Code Chapter 70 -- The commission discussed reviewing the administrative rules in the near future.

The commission and staff thanked the N.D. Association of Realtors for their support and work during the 2025 legislative session.

B. Trust account waivers. Ms. Cieana Schneider provided a written report of recent trust account waivers.

C. Trust account audits. Mr. Yost reviewed recent trust account audits. Mr. Yost will continue to monitor some firms’ earnest money documentation. Mr. Yost will start developing a continuing education course on trust account management that incorporates hands-on exercises on trust account accounting and record keeping.

D. 2025-2026 meetings. The commission agreed by consensus to convene 2025-2026 meetings at 8:30 a.m. on dates similar to the past year, subject to change as needed. Meetings are: 2025 -- August 21 and October 16, and 2026 -- January 29, March 26 and May 7. The commission agreed by consensus to set a virtual meeting for 9 a.m. May 22, 2025 to further discuss the proposed budget and salary information. The commission discussed open meetings law.

8. Minutes – April 25, 2025. The commission did not review the minutes.

9. Other – election of chair, vice chair. Mr. Link moved to elect Ms. Sandra Meyer as chair and Mr. Steven Bitz as vice chair for 2025-2026. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously. Ms. Meyer thanked Mr. Breidenbach for his work as chair and also his additional work as president of the Association of Real Estate License Law Officials (ARELLO).

Adjourn. Chair Breidenbach adjourned the meeting at 10:22 a.m.