

April 15, 2010
8:00am CDT Conference Call
ND Real Estate Commission
200 E Main Ave
1st Floor Conference Room
Bismarck ND 58501

Present: Kris Sheridan/Chair, Jerry Youngberg/Vice Chair, Jerry Schlosser/Member, Diane Louser/Member, Roger Cymbaluk/Member, Patricia M. Jergenson/Executive Director, Constance Hofland/ Special Assistant Attorney General

1. CALL MEETING TO ORDER. Chair Kris Sheridan called the meeting to order. Roll call was taken.
2. DISCUSS PRELIMINARY RECOMMENDATION FROM ATTORNEY GENERAL REGARDING THE PROPOSED AMENDMENTS TO ADMINISTRATIVE RULES. Special Assistant Attorney General Connie Hofland discussed the preliminary recommendation from the Attorney General's office regarding the proposed administrative rules which is to incorporate the actual number of continuing education hours and length of continuing education cycle in the administrative rule itself. Commissioners considered the following amendments:

70-02-04-02. Hours required. To qualify for the renewal of a real estate license, each broker or salesperson must complete ~~sixteen hours of continuing education in approved courses before January 1, 2002, and every two years thereafter. A minimum of six of the required sixteen hours of continuing education must be completed in the first year of each two year period~~ nine hours of continuing education in approved courses every continuing education period. The continuing education period is one calendar year. The commission may require that ~~up to six hours of the total completed each two year period~~ a portion or all of the continuing education hours must be in one or more specific areas. Such areas may include the following:

1. Fair housing and antitrust
2. Environmental issues.
3. License law and ethics
4. Agency law and principles.
5. Contracts.

History: Effective August 1, 1981; amended effective January 1, 1992; October 1, 1993; December 1, 1999.

General Authority: NDCC ~~43-23-08.2~~ 28-32-02, 43-23-08(6)

Law Implemented: NDCC 43-23-08.2

70-02-01-05(4). Inactive licenses.

~~4. Applicable education requirements for the reactivation of a license shall consist of eight hours for each year of inactive status, but not to exceed sixteen hours. To reactivate an inactive license, a licensee must meet the continuing education hours as required by North Dakota Century Code section 43-23-08.2 Administrative Code section 70-02-04-02 for each continuing education period the licensee's license was inactive, not to exceed the number of hours required for the three continuing education periods prior to reactivation.~~ The requirements of North Dakota ~~Century Code section 43-23-08.2 Administrative Code section 70-02-04-02~~ must have been fulfilled within the ~~two~~ three years immediately preceding the return to active status.

History: Amended May 1, 1986; January 1, 1992; February 1, 2004.

General Authority: NDCC 28-32-02, 43-23-08(7-6)

Law Implemented: NDCC 43-23-08.2

Commissioner Youngberg moved, seconded by Commissioner Schlosser to approve the post hearing amendments to 70-02-04-02 and 70-02-01-05(4) based on comments received and contingent upon the approval of the Attorney General. M/C

3. HEAR APPEALS ON DENIED SALESPERSON APPLICATIONS.

- a. Mark T. Gagner was present in Bismarck to appeal the denial of his application for a real estate salesperson license. Mr. Gagner explained why information appearing on his background check had not been included on his application. Commissioner Cymbaluk moved, seconded by Commissioner Louser to table action on the appeal of Mr. Gagner's application until he provides 2 letters of reference (from previous employer and bank) for the Commissioners to review. M/C
- b. Carter C. Ruff joined the meeting via conference call to appeal the denial of his application for a real estate salesperson license. Mr. Ruff explained why information appearing on his background check had not been included on his application. Commissioner Schlosser moved, seconded by Commissioner Louser to approve Mr. Carter to sit for the real estate salesperson examination. M/C
- c. Brock J. Schlosser was present in Bismarck to appeal the denial of his application for a real estate salesperson license. Mr. Schlosser explained why information appearing on his background check had not been included on his application. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve Mr. Schlosser to sit for the real estate salesperson examination. M/C (3 ayes: Commissioners Youngberg, Louser and Sheridan 2 nays: Commissioners Schlosser and Cymbaluk)
- d. Garrett P. Smith joined the meeting via conference call to appeal the denial of his application for a real estate salesperson license. Mr. Smith explained why information appearing on his background check had not been included on his application. Chair Sheridan impressed upon Mr. Smith the importance of diligence in completing documents. Commissioner Cymbaluk moved, seconded by Commissioner Louser to approve Mr. Smith to sit for the real estate salesperson examination. M/C

4. REVIEW LICENSE APPLICATIONS.

- a. Commissioners reviewed the application of Amber D. Gomez for a salesperson license. Commissioner Schlosser moved, seconded by Commissioner Louser to approve Ms. Gomez to sit for the salesperson real estate examination. M/C
- b. Commissioners reviewed the application of Holly Elaine Marie Mincer for a salesperson license. Commissioner Schlosser recused himself from the discussion and vote on Ms. Mincer. Commissioner Louser moved, seconded by Commissioner Youngberg to approve Ms. Mincer to sit for the salesperson real estate examination. M/C
- c. Commissioners reviewed the application of Kelly E. Rott for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Schlosser to approve Mr. Rott to sit for the salesperson real estate examination. M/C
- d. Commissioners reviewed the application of Brittany K. Sherven for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to approve Ms. Sherven to sit for the salesperson real estate examination. M/C
- e. Commissioners reviewed the application of Mary D. Shetler for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve Ms. Shetler to sit for the salesperson real estate examination. M/C

5. REVIEW REQUEST FOR RECONSIDERATION SUBMITTED BY ALLEN ERICKSON. Commissioners reviewed the items requested from Mr. Erickson and the timeline in which some of those items were received noting that Mr. Erickson had not provided everything requested of him. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to not reconsider the cancellation of Mr. Erickson's real estate salesperson license. M/C
6. EMAIL FROM DEE JONES-NOORDERMEER REGARDING DISTRICT 3 ALTERNATE DIRECTOR ELECTION. Commissioners discussed an email from Dee Jones-Noordermeer asking for the ND Real Estate Commission's support in her bid to be elected ARELLO® alternate director for District 3. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to support Ms. Jones-Noordermeer in her bid to be elected ARELLO® district 3 alternate director. M/C
7. DISCUSS ADDING A QUESTION TO THE REAL ESTATE EXAMINATION REGARDING WIND LEASES. Commissioners noted that legislation may be introduced in the 2011 legislative session regarding wind energy and decided to not add any questions to the real estate exam at this time.
8. OTHER BUSINESS:
 - a. Executive Director Jergenson informed the Commissioners that she had been asked if the real estate commission would be interested in overseeing the appraisers. Due to time constraints this will be discussed at a future meeting.
 - b. Commissioners asked staff to look into possible meeting dates in June.

Chair Sheridan adjourned the meeting at 9:00am CDT.

Respectfully submitted,

Patricia M. Jergenson
Executive Director