

4(b). It Commissioner Youngberg moved and seconded by Commissioner Cymbaluk to dismiss this complaint. M/C

5(a). Executive Director Jergenson presented evidence of the third advertising issue regarding Barbara A. Bernhardt noting that she had received two notices in the past regarding advertising errors. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to file a complaint against Ms. Bernhardt and her broker. M/C

5(b). Commissioners continued discussion on the definition of “prominent” as it pertains to advertising. It was the consensus of the Commissioners to have legal counsel write a memorandum on possible verbiage for clarification and to continue this item on the agenda. Nancy Deichert, Association Executive for the Bismarck-Mandan Board of Realtors asked Commissioners to consider removing the requirement of the having the company contact information in the advertising rule.

Commissioners also reviewed a copy of a proposed wall in a new office which had the company name and the team name – in question was the prominence of the company name. Commissioners felt that there was not an issue.

5(c). Commissioners discussed a current “Coming Soon” marketing trend. Administrative Rule 70-02-03-04 requires that a licensee obtain a signed listing agreement on residential real property prior to the time that property is advertised or offered for sale therefore “Coming Soon” is not allowed unless there is a signed listing contract.

8(a). Mr. Cofell’s application for a salesperson license was tabled at the March 31, 2016 Commission meeting pending receipt of 3 letters of reference from non-family members. Mr. Cofell provided the letters of reference as requested and joined the meeting in person to answer any questions the Commission might have.

8(b). Mr. Fetch’s application for a North Dakota real estate salesperson license was tabled by the North Dakota Real Estate Commission at its meeting on February 22, 2017 pending receipt of written documentation explaining the charge showing on his background check that was not disclosed by on his application. Mr. Fetch provided an explanation as requested.

8(c). Mr. Larson’s application for a North Dakota real estate salesperson license was tabled by the North Dakota Real Estate Commission at its meeting on February 22, 2017 pending receipt of two (2) letters of reference from business associates, past employers of his bank. Mr. Larson has provided the requested letters.

10. LEGISLATIVE UPDATE. Executive Director Jergenson went over the timeline for drafting, publicizing, holding a hearing and submitting proposed Administrative Rule changes to the Administrative Rules Committee. She then presented proposed changes to the following Administrative Rules: 70-01-01-01, 70-02-01-05, 70-01-02, 70-02-01-15(1)(a), 70-02-04-05 and 70-02-01-02. Commissioners, in discussing the proposed rule changes, also discussed possibly requiring a broker to have a succession plan, legal counsel developing verbiage to allow for testimony at a hearing to be conducted in person, conference call or video such as Skype, additional research by legal counsel and the Executive Director on adding title company to 70-02-01-15(1)(a), and draft verbiage to revise 70-02-01-02. Application for License. The proposed rule changes will be reviewed at the next Commission meeting.