

April 14, 2004
Sonata I
Ramada Plaza Suites
Fargo, ND
3:00 PM

Present: Roger Cymbaluk/Chair, Kris Sheridan/Vice Chair, Diane Louser/Member,
Jerry Youngberg/Member, Jerry Schlosser/Member, Patricia M.
Jergenson/Secretary Treasurer

1. Chair Roger Cymbaluk called the meeting to order.
2. APPROVE MINUTES OF PREVIOUS MEETING. Commissioner Youngberg moved, seconded by Commissioner Louser to approve the minutes of the previous meeting as written. M/C
3. APPROVE FINANCIAL REPORTS FOR MARCH 2004. The financial reports were reviewed. A separate report for the Recovery Fund was requested. In reviewing the financial reports staff noted that the budgeted figures for license renewals were right on target with the actual renewal numbers. 132 salesperson and 40 broker licenses were cancelled. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve the March financial report as presented. M/C
4. DISCUSS AUDITOR. Commissioners discussed the options regarding the hiring of an auditor; hire an auditor as an employee, as a temporary employee, or as an independent contractor (individual or a company). Commissioner Schlosser moved, seconded by Commissioner Sheridan to look into hiring Senger, Mahlum & Goodhart pc to conduct the trust account audits with the fee to be negotiated. M/C (4 ayes, 1 nay/Commissioner Youngberg)
5. REVIEW APPLICATIONS FOR SALESPERSON LICENSE.
 - a. Commissioners reviewed the application for a salesperson license from Vernetta E. Christianson. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Ms. Christianson to sit for the real estate exam. M/C
 - b. Commissioners reviewed the application for a salesperson license from Troy D. Derheim. Commissioner Youngberg moved, seconded by Commissioner Schlosser to approve Mr. Derheim to sit for the real estate exam. Commissioner Louser excused herself from the discussion and the vote. M/C
 - c. Commissioners reviewed the application for a salesperson license from Howard F. Euneau. Commissioner Sheridan moved, seconded by Commissioner Louser to request three letters of reference and a current credit report. M/C

- d. Commissioners reviewed the application for a salesperson license from Daryn T. Fryer. Commissioner Sheridan moved, seconded by Commissioner Schlosser to request a current credit report from Mr. Fryer. M/C
 - e. Commissioners reviewed the application for a salesperson license from Shannon I. Gustavson. Commissioner Youngberg moved, seconded by Commissioner Louser to allow Ms. Gustavson to sit for the real estate exam when she can provide proof that the judgment is paid. M/C
 - f. Commissioners reviewed the application for a salesperson license from David L. Hanson. Commissioner Schlosser moved, seconded by Commissioner Louser to request a BCI report on Mr. Hanson and that he provides proof that the status of his child support payments are current. M/C
 - g. Commissioners reviewed the application for a salesperson license from Anthony R. Kleinwaechter. Commissioner Louser moved, seconded by Commissioner Sheridan to request a current credit report from Mr. Kleinwaechter. Commissioner Schlosser abstained from the discussion and vote. M/C
 - h. Commissioners reviewed the application for a salesperson license from Drew A. Likness. Commissioner Sheridan moved, seconded by Commissioner Youngberg to deny Mr. Likness' application to sit for the real estate exam based on items in his application and NDCC43-23-11.1. M/C
 - i. Commissioners reviewed the application for a salesperson license from Michael D. Osborne. Commissioner Schlosser moved, seconded by Commissioner Youngberg to deny Mr. Osborne's application to sit for the real estate exam as his bankruptcy is not discharged. M/C
 - j. Commissioners reviewed the application for a salesperson license from Larry A. Rosecrans. Commissioner Youngberg moved, seconded by Commissioner Louser to request that Mr. Rosecrans provide a copy of the charges of dismissal and that staff conduct a reference check of former employers and a check of his insurance license. M/C
 - k. Commissioners reviewed the application for a salesperson license from Jeffrey L. Skaare. Commissioner Youngberg moved, seconded by Commissioner Louser to deny the application of Mr. Skaare due to the fact that he is currently on consent probation with his law license. Commissioner Sheridan abstained from the discussion and the vote. M/C
 - l. Commissioners reviewed the application for a salesperson license from Eric D. Taylor. Commissioner Youngberg moved, seconded by Commissioner Schlosser to request a current credit report from Mr. Taylor and if the credit report is okay he be allowed to sit for the exam. M/C
6. REVIEW APPLICATION FOR RECIPROCAL LICENSE OF DAVID P. MURPHY. Mr. Murphy appeared before the Commissioners to answer questions regarding his application. Commissioner Youngberg moved, seconded by Commissioner Sheridan to put Mr. Murphy's application on hold until he provides a copy of the police report, the 911 call and letters of reference, staff is to check on his insurance license. M/C
 7. ARELLO CONFERENCES: ANNUAL MEETING: OMAHA, NE AND DISTRICT MEETING: CHARLESTON, NC. Commissioner Cymbaluk and Secretary Treasurer Jergenson will be attending the annual meeting. Commissioners Youngberg and Schlosser are considering attending and Secretary Treasurer Jergenson will be attending the district meeting.

8. Other business:

- a. It was the consensus of the Commissioners that staff apply for an ATM card for the general checking account.
- b. Nona Binegar requested a waiver of the pre-licensing requirements and that she be allowed to take only the national portion of the exam. She had taken the pre-licensing course in 2001 and tested in October of 2001 failing the national portion of the test. Commissioner Sheridan moved, seconded by Commissioner Schlosser to deny Ms. Binegar's requests. M/C
- c. Commissioners reviewed the application of Mr. Christopher J. Conley. Mr. Conley requested a waiver of the 2 years of salesperson apprenticeship and that the education he submitted be approved as well. Commissioner Schlosser moved, seconded by Commissioner Sheridan to deny Mr. Conley's request for a waiver of the 2 years of salesperson experience and to deny approval of the education he submitted. M/C
- d. Staff had an inquiry regarding whether or not it was appropriate to charge earnest money on a credit card. Discussion concluded that if it was specified in the purchase agreement, the trust account was set up to accept credit cards, and the deposit of the earnest money fell within the timeline required by law it would be possible to handle it that way.
- e. Commission goals were reviewed.
- f. Correspondence from Continental RE Group, Inc. was reviewed. Staff will ask about the correspondence at the ARELLO conference.
- g. Discussion was held on ways to streamline the processing of renewals. Staff will contact other states for ideas.
- h. Secretary Treasurer Jergenson has been asked by PSI to participate in rewriting the national portion of their licensing exam. PSI will cover the cost of attending, however it was the consensus of the Commission that if there were costs not covered by PSI the Commission would cover them.

There being no further business Chair Cymbaluk adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson
Secretary Treasurer