

February 21, 2007  
9:00 AM  
ND Real Estate Commission  
200 E Main Ave Suite 204  
Bismarck ND 58501  
Conference Call

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

1. CALL MEETING TO ORDER. Chair Jerry Schlosser called the meeting to order. Roll call was taken.
2. HEARING FOR COMPLAINT# 2006-08 DEVINS V BREDEMEIER. Commissioner Schlosser asked Special Assistant Attorney General Connie Hofland to present the stipulated agreement in this complaint. Ms Hofland presented the terms of the stipulated agreement with Sharon Bredemeier which are the payment of a \$300 fine, \$1100 investigation/legal costs, and the requirement that Ms Bredemeier attend 6 hours of continuing education on buyer agency representation. It was noted that on page 2, item 3c should read salesperson license rather than broker license. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve the stipulated agreement for Complaint# 2006-08. M/C
3. MINUTES OF PREVIOUS MEETING. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve the minutes of December 20, 2006. M/C
4. FINANCIAL REPORT. None filed.
5. LEGAL UPDATE: CONNIE HOFLAND. Chair Schlosser noted that several items on the agenda will be tabled until the full Commission is present.
  - (i) Memo on hearing procedures. Tabled
  - (ii) Complaint #2005-05 James Ramsey v Gary Kramlich. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint to the Commissioners. Mr. Ramsey alleged that Gary Kramlich advertised items in the house as new when they were not new, discussed the purchase agreement directly with the Ramsey's without authorization from the buyer's agent and modified the additional acres provision of the purchase agreement. Ms. Hofland recommended dismissal of this complaint as there is insufficient

- evidence of potential violations of applicable statutes and regulations. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to dismiss the complaint against Gary Kramlich. M/C Commissioners will review the possibility of filing a complaint against Jeanie M. Shirley in regards to the transaction in this complaint.
- (iii) Complaint # 2006-14 Cari Weiland v Rick Delzer. Tabled
  - (iv) Complaint # 2006-15 Marvin Greenberg v. Richard Ward and Nicole Moen. Tabled.
  - (v) Complaint # 2006-16 Jeff Stack v. Bruce Fadness and Sharon Rasmussen. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint to the Commissioners. Mr. Stack alleged that Bruce Fadness and Sharon Rasmussen failed to disclose the lagoon smell and the increase in property taxes and therefore misrepresented the property. Ms. Hofland recommended dismissal of this complaint as there is insufficient evidence of potential violations of applicable statutes and regulations. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to dismiss the complaint against Bruce Fadness and Sharon Rasmussen and to include in the Order for Dismissal a letter recommending that Mr. Fadness review and revise the purchase agreement used by his office to disclose agency. M/C
  - (vi) Complaint # 2006-17 M/M Thomas Devins v. James L. Dunavan. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint to the Commissioners. Mr. Devins alleged that James Dunavan did not properly supervise 2 of his agents who were involved as the listing agent and the buyer agent for the purchase of a home in Inkster by Mr. & Mrs. Devins. Ms. Hofland recommended dismissal of this complaint as there is insufficient evidence of potential violations of applicable statutes and regulations. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to dismiss the complaint against James Dunavan and to include in the Order for Dismissal a letter requesting that Mr. Dunavan review buyer agency agreements with his sales staff. M/C
  - (vii) Memo on Jim Lund Team Advertising. Tabled.
  - (viii) Shopping of offers. Tabled.
  - (ix) Jill Duemeland's request for change of name on license (legal name or d/b/a acceptable?) Casey Chapman, attorney for Ms Stenberg sent a letter to the Commission addressing the issue of Ms Stenberg's request to have her real estate license issued under the name of Jill Duemeland. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to accept the request of Ms Stenberg to have her salesperson license issued as Jill Duemeland. M/C Staff discussed an advertisement

received in the Commission office regarding the advertisement of a real estate team and the placement of the company name in the ad. Statutes regarding advertising rules will be reviewed.

(x) Revisit 359homes.com issue. Tabled.

6. DISCUSS NONPAYMENT OF FINE AND CONTINUING EDUCATION NOT TAKEN AS ORDERED IN STIPULATED AGREEMENTS WITH TERRY CHAMBERS AND DEAN AHMANN. Secretary Treasurer Jergenson informed the Commission that Mr. Chambers has neither paid the fine and costs assessed him nor has he taken the education course as required by the stipulated agreement. Mr. Ahmann has paid the fine and costs in accordance with the stipulated agreement but he has not complied with completing the education hours. Both individuals have been sent a letter regarding this situation and to date neither has responded. Commissioner Youngberg moved, seconded by Commissioner Sheridan to execute the order against Mr. Chambers and reduce the order to a judgment. M/C The stipulated agreement for Mr. Ahmann states that he should comply with the agreement by license renewal time or the license would not be renewed.
7. DISCUSS ADMINISTRATIVE RULE 70-02-01-03(5) TO CLARIFY DATE TO BE USED TO DETERMINE WHEN TWELVE MONTHS ENDS. (DATE OF APPROVAL LETTER OR DATE EXAMINATION IS FIRST TAKEN). Consensus of the Commissioners is that an applicant has twelve months to pass the examination from the first date they took the examination.
8. REQUEST FOR OPINION FROM THE FARGO-MOORHEAD AREA ASSOCIATION OF REALTORS®. Tabled.
9. REVIEW APLICATIONS FOR SALESPERSON LICENSES.
  - a. Commissioners reviewed the application of Lisa L Adolfs for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Ms. Adolfs to sit for the salesperson real estate examination. M/C
  - b. Commissioners reviewed the application of Scott B. Bartels for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to deny Mr. Bartell's application due to the fact that he is currently on probation for a felony. M/C
  - c. Commissioners reviewed the application of Jennie S Baumgartner for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to table Ms. Baumgartner's application until the next meeting and a background check has been done. M/C
  - d. Commissioners reviewed the application of Jessica T. Boyce for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to deny Ms. Boyce's application because she did not disclose in her application a theft charge and that she is currently on probation. M/C
  - e. Commissioners reviewed the application of Jonathon W. Campbell for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve Mr. Campbell to sit for the salesperson real estate examination. M/C

- f. Commissioners reviewed the application of Heather L. Hanson for a salesperson license. Chair Schlosser removed himself from this discussion and turned the meeting over to Commissioner Youngberg. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to table action on Ms Hanson's application until a background check is completed and Ms Hanson provides an explanation regarding the address discrepancies that appear on her credit report. M/C
  - g. The meeting was turned back over to Chair Schlosser. Commissioners reviewed the application of Blake P. Nybakken for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Mr. Nybakken to sit for the salesperson real estate examination. M/C
  - h. Commissioners reviewed the application of Todd V. Phelps for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Sheridan to approve Mr. Phelps to sit for the salesperson real estate examination. M/C
  - i. Commissioners reviewed the application of Brian M. Rosenkranz for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Sheridan to approve Mr. Rosenkranz to sit for the salesperson real estate examination. M/C
  - j. Commissioners reviewed the application of Paul R. Woods for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to deny Mr. Woods application as he is on probation. M/C
10. REVIEW APPLICATIONS FOR BROKER LICENSES.
- a. Jeremy Boyce appeared before the Commissioners to discuss the discrepancies on the broker inspection reports and his application for a broker license. The Commission expressed concern regarding a broker not providing correct information when they complete a broker inspection report. A broker needs to complete the inspection report when asked to by the Commission. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Mr. Boyce to sit for the broker real estate examination. M/C
  - b. Commissioners reviewed the application of Lowell L. Nester for a broker license. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to approve Mr. Nester to sit for the broker real estate examination. M/C
11. AUDIT REPORT REGARDING LOGAN HILL REALTY. Rhonda Mahlum, trust account auditor, submitted a written report on the follow-up of the audit of Logan Hill Realty's trust account. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to accept the review of the Logan Hill Realty trust account audit and the recommendation to have the auditors check the bookkeeping of the trust account and verify that it is being reconciled monthly. M/C
12. DISCUSS REQUEST SUBMITTED BY THE REAL ESTATE EDUCATION ASSOCIATION. Tabled.
13. LEGISLATIVE UPDATE. Secretary Treasurer Jergenson provided the Commissioners with a chart showing the progress regarding the legislation she is watching and testifying to on behalf of the Commission.
14. STAFF UPDATE. Secretary Treasurer Jergenson reported that a new administrative assistant had been hired. Linda Hagen will start work on March 7, 2007 at a salary of \$28,000/year and will be on probation for 6 months.

15. UPDATE ON 2007 LICENSE RENEWALS. Tabled.
16. REVIEW REQUESTS FOR TRUST ACCOUNT WAIVERS. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve the requests for trust account waivers as attached to these minutes. M/C
17. ATTENDANCE AT 2007 ARELLO ANNUAL MEETING. ARELLO has asked for a preliminary count of how many Commissioners will be attending the annual meeting. It appears that 2 Commissioners and the Secretary Treasurer will be attending from North Dakota.
18. COMMISSION GOALS. Tabled.
19. OTHER BUSINESS:
  - a. Possible dates for the next Commission meeting were discussed.

There being no further business Chair Schlosser adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson  
Secretary Treasurer