

February 8, 2018
8:30 A.M.
Conference Room
North Dakota Real Estate Commission Office
1110 College Drive, Suite 207
Bismarck, ND 58501

Present: Diane Louser /Chair, Roger Cymbaluk/Vice Chair, Scott Breidenbach/Member, Jerry Schlosser/Member, Sandra Meyer/Member, Patricia M. Jergenson/Executive Director, Constance Hofland/Special Assistant Attorney General

1. CALL MEETING TO ORDER. Chair Louser called the meeting to order. Roll call was taken. Commissioners Louser, Cymbaluk, Breidenbach and Meyer were present in the room. Commissioner Schlosser was present by conference call. Also present in the room were Executive Director Jergenson and Special Assistant Attorney General Connie Hofland. Guests were welcomed.
2. REVIEW MINUTES OF JANUARY 12, 2018 MEETING. Commissioner Cymbaluk moved, seconded by Commissioner Meyer to approve the January 12, 2018 minutes as presented. M/C
3. LEGAL UPDATE: SPECIAL ASSISTANT ATTORNEY GENERAL CONSTANCE HOFFLAND:
 - a. Complaint #2017-09 NDREC v. Nancy J. Allen: Memorandum. Special Assistant Attorney General Connie Hofland presented her results of the investigation of this complaint. Commissioner Cymbaluk moved, seconded by Commissioner Breidenbach to set this complaint for a hearing. M/C
4. REVIEW LICENSE APPLICATIONS:
 - a. Commissioners reviewed the application of Brent W. Hamrick for a salesperson license. Mr. Hamrick joined the meeting by conference call to discuss any questions the Commissioners might have. Commissioner Cymbaluk moved, seconded by Commissioner Breidenbach to disregard the lien and to approve Mr. Hamrick to sit for the salesperson license examination. M/C
 - b. Commissioners reviewed the application of Sharon L. Johnson for a salesperson license and to consider her request for a waiver of the national portion of the exam. Ms. Johnson joined the meeting by conference call to discuss any questions the Commissioners might have. Commissioner Schlosser moved, seconded by Commissioner Cymbaluk to approve Ms. Johnson to waive the

national portion of the exam but Ms. Johnson must take the state portion of salesperson license examination. M/C

- c. Commissioners reviewed the application of Tracy J. Mikkelson for a reciprocal broker's license. Mr. Mikkelson joined the meeting by conference call to discuss any questions the Commissioners might have. Commissioner Breidenbach moved, seconded by Commissioner Meyer to grant Mr. Mikkelson's reciprocal license pending receipt of documentation by staff that the delinquency on his credit report has been paid and the account is now current. M/C
 - d. Commissioners reviewed the application of Norma L. Ortiz for a salesperson license. Ms. Ortiz joined the meeting by conference call to discuss any questions the Commissioners might have. Commissioner Cymbaluk moved, seconded by Commissioner Schlosser to approve Ms. Ortiz to sit for the salesperson license examination. M/C
 - e. Commissioners reviewed the application of Melissa M. Viox for a salesperson license. Ms. Viox joined the meeting by conference call to discuss any questions the Commissioners might have. Commissioner Cymbaluk moved, seconded by Commissioner Meyer to approve Ms. Viox to sit for the salesperson license examination pending receipt of documentation by staff that the delinquency on her credit report has been paid. M/C
5. TRUST ACCOUNT AUDIT REQUESTS THAT HAVE NOT BEEN COMPLIED WITH.
- a. ERA American Real Estate (James D. Huskey). Executive Director Jergenson informed the Commission that James D. Huskey has received two letters requesting documentation as a result of his trust account audit. She reminded the Commission that at the last commission meeting, the North Dakota Real Estate Commission filed a complaint against Mr. Huskey for recurring issues in his trust account audits. Special Assistant Attorney General Connie Hofland will add this information to the complaint.
 - b. OC Realty and Associates (Ronald J. Rauch). Executive Director Jergenson informed the Commission that Mr. Rauch has requested an extension until April 15th to remit his agency policy, as well as his journal, ledger and monthly reconciliation to the list from the title company, as he has been traveling and won't return to North Dakota until April. Ms. Jergenson said Haga Kommer doesn't feel an extension should be granted. Commissioner Cymbaluk moved, seconded by Commissioner Breidenbach to follow the recommendation of auditors and deny Mr. Rauch's request for an extension. M/C
6. REVIEW APPROVED TRUST ACCOUNT WAIVERS. Commissioners received a report of trust account waivers granted since the December 12, 2017 meeting. A list of those waivers is attached to these minutes.
7. EXECUTIVE SESSION. At 9:07 a.m., the Commission went into executive session to discuss executive director job applicants. The reason and legal authority for going into executive session is statute N.D.C.C. § 44-04-18.27 which dictates that applications and any records related to the applications which contain information that could reasonably be used to identify an applicant are confidential. The executive session was recorded. The discussion in the executive session was limited to discussion of the confidential applications only. Chair Louser closed the executive session at 10:10 a.m.

8. PROCESS FOR FILLING EXECUTIVE DIRECTOR POSITION. At 10:20 a.m. Chair Louser re-opened the Commission meeting. Commissioner Cymbaluk moved, seconded by Commissioner Breidenbach to interview candidates A, B, F, I, J, K, and L, to authorize Executive Director Jergenson to contact the candidates to schedule interviews February 20th & 21st and if a candidate is not able to come to be interviewed in person they can interview by telephone. M/C It was the consensus of the Commission to request letters of reference from each candidate prior to the interviews. Other items discussed were: schedule each interview an hour apart, interviews will be held at the Capitol, number of interview questions, and the only agenda item for the next meeting will be conducting the interviews.
9. OTHER BUSINESS. Executive Director Jergenson provided each Commissioner with a copy of the testimony of Sandra DePountis, Assistant Attorney General on behalf of the Attorney General, before the Administrative Rules Committee regarding the Interim Study on the oversight of Boards and Commissions for their information.

There being no further business Commissioner Breidenbach moved, seconded by Commissioner Meyer to adjourn the meeting. M/C

Chair Louser adjourned the meeting.

Respectfully submitted,

Kristi Hass
Administrative Assistant

Patricia M. Jergenson
Executive Director