

North Dakota Real Estate Commission  
January 14, 2004  
Pearce & Durick Law Office  
Conference Room  
9:00 AM

Present: Roger Cymbaluk/Chair, Kris Sheridan/Vice Chair, Diane Louser/Member,  
Jerry Youngberg/Member, Jerry Schlosser/Member, David Reich/Legal  
Counsel, 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 NOVEMBER AND DECEMBER 2003. Staff was asked to provide detailed reports on the following accounts: office supplies, professional fees, and property & liability insurance. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve the budget as presented. M/C
4. REVIEW FORMAL COMPLAINTS PENDING BEFORE THE ND REAL ESTATE COMMISSION.

Complaint 2003-05 Julie Schaff v. Dennis Wehr and Shawn Huber. The Commission reviewed the formal complaint filed by Julie Schaff alleging that Dennis Wehr initially listed her property at too high of a price and failed to lower the price in a timely manner, that Shawn Huber misrepresented the extensions on the listing and that the respondents did not advise her of her right to counteroffer or provide an accurate estimate of the closing costs. Mr. Reich recommended dismissal of the complaint, as it appears that there is not sufficient evidence of violations of statutes or regulations to proceed to hearing. Commissioner Sheridan moved, seconded by Commissioner Louser to dismiss the complaint. M/C

Complaint 2003-06 Mitchell and Nancy Gunderson v. Rick Davidson, Betty Davidson, and Skip Greenberg. The Commission reviewed the complaint filed by Mr. & Mrs. Gunderson alleging that Rick and Betty Davidson and Skip Greenberg failed to properly submit all offers to the sellers, failed to cooperate with their agent in that transaction, and that Greenberg Realty wanted the sale to be made to a buyer represented by Greenberg Realty in order to keep all of the commission on the sale. Mr. Reich recommended dismissal of the complaint, as it appears that there is not sufficient evidence of violations of statutes or regulations to proceed to hearing. Commissioner

Schlosser moved, seconded by Commissioner Sheridan to dismiss the complaint. M/C Complaint 2003-07 Bryan and Jill Proctor v. Jack Wahawan. The Commission reviewed the formal complaint filed by Mr. & Mrs. Proctor alleging that Jack Wadhawan misrepresented the terms of the proposed listing agreement, interfered in a contract they had with another party to purchase their home, and made slanderous remarks to them. Mr. Reich recommended dismissal of the complaint as it appears that there is not sufficient evidence of violations of statutes or regulations to proceed to hearing. Commissioner Sheridan moved, seconded by Commissioner Youngberg to dismiss the complaint. M/C

Complaint #'s 2003-08, 2003-09, and 2003-10 are pending investigation.

Complaint #'s 2002-10 and 2003-04 will be set for a hearing in March.

Complaint 2002-05 is still pending due to litigation.

5. REPORT ON MEETING REGARDING GRAND FORKS HERALD MARKETING PLAN. David Reich has sent a letter to Jack McDonald and is waiting a reply.
6. REVIEW CORRESPONDENCE REGARDING RECIPROCAL AGREEMENT WITH PENNSYLVANIA. Commissioner Sheridan moved, seconded by Commissioner Youngberg to pursue reciprocity with Pennsylvania. M/C
7. REVIEW APPLICATIONS FOR SALESPERSON LICENSE.
  - \*Commissioners reviewed the additional information provided by Richard Rietze as was requested. Commissioner Sheridan moved, seconded by Commissioner Louser to approve Mr. Rietze to sit for the examination. M/C
  - \* Commissioners reviewed the additional information provided regarding Mr. Robert Lee. Commissioner Sheridan abstained from the discussion and the vote. Commissioner Louser moved, seconded by Commissioner Schlosser to approve Mr. Lee to sit for the examination after the suspension of his legal license is over. M/C
  - \*Commissioners reviewed the application of Tara Gregerson. Ms. Gregerson stated on her application that she had been convicted of bank fraud. Commissioner Sheridan moved, seconded by Commissioner Youngberg to deny the application of Ms. Gregerson based NDCC43-23-11.1(f). M/C
8. REVIEW REQUEST FOR TRUST ACCOUNT WAIVER. Commissioners reviewed a request for a trust account waiver from Steven Lindely. Commissioner Youngberg moved, seconded by Commissioner Schlosser to approve the trust account waiver for Steven Lindely. M/C
9. REVIEW REQUESTS FOR CONTINUING EDUCATION WAIVERS.
  - a) Robert Hanken: Commissioner Schlosser moved, seconded by Commissioner Youngberg to allow Mr. Hanken until March 1, 2004 to complete the required continuing education hours. M/C
  - b) Thomas Holzer: Commissioner Sheridan moved, seconded by Commissioner Schlosser to deny Mr. Holzer's request. M/C
  - c) Cody Lindstrom: Mr. Lindstrom is currently serving in Iraq and requested a waiver of the continuing education requirement for the years 2004 and 2005. Commissioner Sheridan moved, seconded by Commissioner Youngberg to waive the ce requirements for 2004 and review a request for a waiver for 2005 when submitted by Mr. Lindstrom. M/C

10. DISCUSS REVISED GOALS FOR THE COMMISSION. The goals set by the Commission were reviewed and are to be included in the packets for every meeting.
11. DISCUSS SUBSTITUTE COURSE FOR 2002/03 MANDATORY AGENCY COURSE. Claus Lembke, NDAR EVP informed the Commission that the tape of the 2002/03 ND Agency Law mandatory course is not available. He recommended that a Buyer Agency internet course from Computaught be substituted for those licensees who have not completed the mandatory course. Commissioner Sheridan moved, seconded by Commissioner Schlosser to require those that need the ND Agency Law course take the Computaught Buyer Agency course to fulfill the mandatory course requirement. M/C  
Mr. Lembke provided the Commissioners with a copy of the proposed 2004/05 course entitled "Risk Reduction – How To Stay Out of Trouble" for review.
12. DISCUSS NDREC OFFICE LOCATION. Commissioners discussed the space required, negotiating a larger office space with the current landlord, and other spaces available.
13. OTHER BUSINESS:
  - a. interviews will be conducted for the position of auditor at the March meeting
  - b. ARELLO District 3 Conference will be held in Bismarck July 16,17 & 18, 2004. Planning is underway.
  - c. Legislative Council has notified the office that the rules changes will become effective February 1, 2004.
  - d. The following question was discussed: could a non-profit provide names of potential buyers to a licensee with the agreement that the licensee would give a percentage of the commission of the sale to the non-profit? No.

There being no further business Chair Cymbaluk adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson  
Secretary Treasurer