

January 26, 2010
9:00am Central Time
State Capitol Building
Peace Garden Room
600 E Boulevard Ave
Bismarck ND

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

1. CALL MEETING TO ORDER. Chair Kris Sheridan called the meeting to order. Commissioners Sheridan, Louser, Cymbaluk and Youngberg were present via conference call.
2. APPROVE MINUTES OF NOVEMBER 18, 2009 MEETING. Commissioner Louser moved, seconded by Commissioner Schlosser to approve the minutes of the November 18, 2009 meeting. M/C
3. APPROVE FINANCIAL REPORTS. Executive Director stated that the credit card renewal payments have not been posted and therefore there were no financial reports at this time.
4. LEGAL UPDATE: SPECIAL ATTORNEY GENERAL CONNIE HOFLAND.
 - a. Complaint #2009-04 Mahmood Ebrahim v Linda M Klebe. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint. Commissioner Youngberg moved, seconded by Commissioner Schlosser to set this complaint for a hearing. M/C
 - b. Complaint #2009-07 John W Mosby v Linda M Klebe. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to set this complaint for a hearing. M/C
 - c. Complaint #2009-10 Nicholas Titov v Lind M Klebe. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint. Commissioner Schlosser moved, seconded by Commissioner Youngberg to set this complaint for a hearing. M/C
 - d. Complaint #2009-11 George J Wynn v Linda M Klebe. Special Assistant Attorney General Connie Hofland presented the results

- of her investigation of this complaint. Commissioner Youngberg moved, seconded by Commissioner Louser to set this complaint for a hearing. M/C
- e. Complaint #2009-12 Shane/Joan Tangedahl v Sally J Abernethy. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint. Commissioner Cymbaluk asked to have the record show that Ms. Abernethy is the mother in law to his son and business partner, Tate Cymbaluk. Commissioner Schlosser moved, seconded by Commissioner Youngberg to set this complaint for a hearing. M/C
 - f. Complaint #2009-16 M/M Michael Olason v Lil Livingood and Darlene Watson. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to dismiss this complaint. M/C
 - g. Complaint #2009-17 Joseph E Draeger v Dean H Vorland. Special Assistant Attorney General Connie Hofland presented the results of her investigation of this complaint. Commissioner Schlosser moved, seconded by Commissioner Cymbaluk to dismiss this complaint. M/C
 - h. Memo on mobile home listings/sales. Ms. Hofland discussed the points made in her memo regarding the mobile home dealer statute, NDCC § 43-23-06.1(7) & (8) and her conclusion that the Commission has jurisdiction over a licensee selling used mobile homes. It was also discussed that marketing material for the sale of a mobile home should be in compliance with the advertising rule. Commissioner Schlosser moved, seconded by Commissioner Cymbaluk to file a complaint against Robert J. Tubbs and his broker, Janice A. Hogue, on behalf of the North Dakota Real Estate Commission. M/C
 - i. Letter to Ken Bulie. Ms. Hofland provided the Commissioners a copy of the letter she was directed to send to Ken Bulie.
5. REVIEW APPEALS ON DENIED SALESPERSON APPLICATIONS.
- a. Trenton J. Kary was present in Bismarck to appeal the denial of his application for a real estate salesperson license. Mr. Kary explained why information appearing on his background check had not been included on his application. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to approve Mr. Kary to sit for the real estate salesperson examination. M/C
 - b. Heather A. North joined the meeting via conference call to appeal the denial of her application for a real estate salesperson license. Ms North provided several letters of reference and explained the circumstances surrounding the items on her background check. Commissioner Schlosser moved, seconded by Commissioner Louser to approve Ms. North to sit for the real estate salesperson examination. M/C
 - c. Dezarae S. Schroeder joined the meeting via conference call to appeal the denial of her application for a real estate salesperson license. Ms Schroeder provided several letters of reference and discussed her shoplifting conviction. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to approve Ms. Schroeder to sit for the real estate salesperson examination. M/C

6. REVIEW LICENSE APPLICATIONS.

- a. Commissioners reviewed the application of Kyle L. Hanson for a salesperson license. Mr. Hanson was present in Bismarck to discuss his credit issues. Commissioner Cymbaluk moved, seconded by Commissioner Louser to deny Mr. Hanson's application due to items on his credit report and he may reapply after the items on his credit report are cleaned up. M/C
 - b. Commissioners reviewed the application of Carrie R. Jacobson for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Louser to approve Ms. Jacobson to sit for the salesperson real estate examination. M/C
 - c. Commissioners reviewed the application of Alver G. Leighton for a salesperson license. Mr. Leighton joined the meeting via conference call to discuss his financial issues. Commissioner Schlosser moved, seconded by Commissioner Youngberg to approve Mr. Leighton to sit for the salesperson real estate examination. M/C
 - d. Commissioners reviewed the application of Lisa L. Mjones for a salesperson license. Commissioner Schlosser moved, seconded by Commissioner Youngberg to approve Ms. Mjones to sit for the salesperson real estate examination. M/C
 - e. Commissioners reviewed the application of Matthew E. Molldrem for a salesperson license. Commissioner Schlosser moved, seconded by Commissioner Louser to approve Mr. Molldrem to sit for the salesperson real estate examination. M/C
 - f. Commissioners reviewed the application of Mary A. Noel for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to approve Ms. Noel to sit for the salesperson real estate examination. M/C
 - g. Commissioners reviewed the application of Sally D. Opp for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Schlosser to approve Ms. Opp to sit for the salesperson real estate examination. M/C
 - h. Commissioners reviewed the application of Christopher M. Sanger for a salesperson license. Commissioner Louser moved, seconded by Commissioner Schlosser to approve Mr. Sanger to sit for the salesperson real estate examination. M/C
7. DETERMINE PERCENT OF LICENSEES FOR CONTINUING EDUCATION AUDIT TO BE CONDUCTED IN MARCH 2010. Executive Director Jergenson stated that last year 15% (267 licensees) were audited for continuing education compliance. The list is computer generated and licensees who were mandated by consent order to complete education were also included. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to continue auditing 15% of the active licensees plus those included through the discretionary judgment of the Executive Director. M/C
8. ONLINE LICENSE RENEWAL UPDATE. Executive Director Jergenson provided Commissioners with an update on the use of the online license renewal system. 1022 licenses (including firm, broker & salesperson) have been renewed online to date. Commissioners recommended that information on the usage of the online system; its benefits, user issues, etc. appear in the next newsletter.

9. APPOINTED AGENCY MANDATORY COURSE. Commissioners discussed the concerns expressed about appointed agency as the mandatory course in written correspondence received regarding the proposed amendments to the Administrative Rules. NDAR has scheduled a caravan of the course the first week in March to 7 locations and then will offer it to local boards to put on. Commissioners discussed the need to have the course available online as well as in a classroom setting. Executive Director Jergenson shared information provided by ARELLO on the cost to develop an online course. Offering a grant to be used in the development and marketing of an online course on appointed agency was discussed. Commissioners determined that the course structure should be changed from a 3 hour course on appointed agency to an agency course with emphasis on appointed agency and that it not be called "Appointed Agency" or "Agency". Staff was asked to investigate the currently approved online agency courses to see if they have any content on appointed agency. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to offer a \$5000 grant for the development of an online agency course with emphasis on appointed agency and research the availability of current online courses prior to awarding the grant. M/C (3 ayes, 1 nay Commissioner Schlosser).
10. DISCUSS DEFINITION OF FACILITATOR. This item is to be kept on the agenda for future discussion.
11. NAUREEN METZ REQUEST TO HAVE CONTINUING EDUCATION EXTENSION GRANTED TO APRIL 1, 2010 EXTENDED TO JUNE 1, 2010. Ms Metz asked Executive Director Jergenson to request a longer extension for her to complete her 2008/09 continuing education. Commissioner Cymbaluk moved, seconded by Commissioner Louser to allow Ms Metz until June 1, 2010 to complete her 2008/09 continuing education and no further extension will be given. M/C
12. ARELLO LEADERSHIP SYMPOSIUM REPORT: COMMISSIONER YOUNGBERG, EXECUTIVE DIRECTOR JERGENSON. Commissioner Youngberg and Executive Director Jergenson filed written reports.
13. REVIEW REQUESTS FOR TRUST ACCOUNT WAIVERS. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve the requests for trust account waivers as attached to these minutes. M/C
14. COMMISSION GOALS. Commissioners reviewed the goals.
15. OTHER BUSINESS:
 - a. Executive Director Jergenson stated that to date 55 online courses have been reviewed and approved for 2010 continuing education.
 - b. Commissioners set the next meeting dates as follows: February 11, 2010 conference call and March 17, 2010.

There being no further business Chair Sheridan adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson
Executive Director