

January 15, 2014  
8:00 am  
North Dakota Real Estate Commission  
1110 College Dr  
Conference Room Suite 209  
Bismarck ND

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

1. CALL MEETING TO ORDER. Chair Cymbaluk called the meeting to order. Roll call was taken and all Commissioners were present either in person (Commissioners Cymbaluk, Schlosser) or on conference call (Commissioners Louser, Sheridan, and Youngberg).
2. APPROVE MINUTES OF DECEMBER 10, 2013 MEETING. Special Assistant Attorney General Hofland noted that on page 3(j) verbiage should be added so that the sentence reads: Commissioner Schlosser moved, seconded by Commissioner Youngberg to not accept Ms. Halvorson's proposed amendment to the stipulated agreement and set Complaint #2013-14 NDREC v Theresa Halvorson for a hearing. Commissioner Schlosser moved, seconded by Commissioner Youngberg to approve the minutes of the December 10, 2013 meeting as revised. M/C
3. PRESENTATION OF AUDIT OF THE COMMISSION'S FINANCIAL STATEMENTS FOR FISCAL YEAR 2012/13: Mahlum Goodhart PC Ms. Ussatis presented the annual audit report and stated that it received a clean opinion. Commissioner Sheridan moved, seconded by Commissioner Louser to approve the auditor's report as presented. M/C
4. LEGAL UPDATE: SPECIAL ASSISTANT ATTORNEY GENERAL CONSTANCE HOFLAND. Special Assistant Attorney General Hofland presented her memo on limited services and North Dakota law. Service provided to the public by a licensee is a concern. In the her memo Ms. Hofland refers to duties owed if there is an agency relationship and required disclosures so clients know what they are getting into and what their options are. North Dakota is identified on the Department of Justice (DOJ) website as a state with "no minimum service requirement". Ms. Hofland is in agreement with the statement of the DOJ. Ms. Hofland will forward the link to the DOJ article "Competition in the Real Estate Brokerage Industry" to Commissioners, staff and Jill Beck/NDAR.
5. APPOINTMENT OF BACKUP SPECIAL ASSISTANT ATTORNEY GENERAL. Executive Director Jergenson provided Commissioners an update regarding her efforts in finding an attorney to handle an investigation of a complaint in which Ms. Hofland as a conflict.
6. REVIEW LICENSE APPLICATIONS:
  - a. Commissioners reviewed the application of Randy L. Burkhartsmeier for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Louser to approve Mr. Burkhartsmeier to sit for the salesperson license examination. M/C

- b. Commissioners reviewed the application of Jack R. Harris for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Schlosser to deny the application of Mr. Harris due to items on his credit report. M/C
  - c. Commissioners reviewed the application of Rachel R. Helton for a salesperson license. Ms. Helton attended the meeting in person to discuss her credit report. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Ms. Helton to take the salesperson examination pending verification to staff that the items in collection have been paid. M/C
  - d. Commissioners reviewed the application of Thi Anh Huynh for a non-resident broker license. Mr. Huynh attended the meeting in person to discuss his credit report. Commissioner Louser moved, seconded by Commissioner Sheridan to request Mr. Huynh provide 2 letters of reference from his bankers to be presented to the Commission. Motion and second were withdrawn. Commissioner Schlosser moved, seconded by Commissioner Sheridan to approve Mr. Huynh to take the state portion of the real estate examination subject to the Executive Director receiving 2 letters of reference from financial institutions Mr. Huynh does business with. M/C
  - e. Commissioners reviewed the application of Sheila A. Krebs for a salesperson license. Ms. Krebs attended the meeting in person to discuss her credit report. Commissioner Sheridan moved, seconded by Commissioner Louser to approve Ms. Krebs to take the salesperson examination pending verification to staff that the items in collection have been paid. M/C
  - f. Commissioners reviewed the application of Belkys Miranda for a reciprocal broker license. Ms. Miranda joined the meeting via conference call to discuss her credit report. Commissioner Sheridan moved, seconded by Commissioner Schlosser to approve the issuance of a reciprocal broker license to Ms. Miranda once proof has been provided to the Executive Director that the judgment on her credit report has been removed. M/C (2 nays: Commissioners Cymbaluk and Youngberg)
  - g. Commissioners reviewed the application of William E. Morgan for a non-resident broker license. Mr. Morgan joined the meeting via conference call to discuss his credit report and the disciplinary action taken against him by the real estate licensing agencies in Montana and Idaho. Commissioner Youngberg moved, seconded by Commissioner Sheridan to approve Mr. Morgan to take the state portion of the real estate examination. M/C
  - h. Commissioners reviewed the application of Christopher J. Stamos for a non-resident salesperson license. Mr. Stamos joined the meeting via conference call to discuss the bankruptcy on his credit report. Commissioner Sheridan moved, seconded by Commissioner Louser to approve Mr. Stamos to take the state portion of the real estate examination. M/C
  - i. Commissioners reviewed the application of Brian D. Tjaden for a reciprocal salesperson license. Mr. Tjaden joined the meeting via conference call to discuss the bankruptcy on his credit report. Commissioner Youngberg moved, seconded by Commissioner Schlosser to approve the issuance of a reciprocal ND salesperson license to Mr. Tjaden. M/C
7. REVIEW TABLED APPLICATIONS:
- a. Mr. Badgett's application for a non-resident broker license was reviewed at the December 10, 2013 Commission meeting. The Commission moved to table Mr. Badgett's application until he provides letters of reference from business associates and bankers. Mr. Badgett provided the requested items and joined the meeting via conference call to answer any other questions Commissioners may have. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Mr. Badgett to take the state portion of the real estate examination. M/C

- b. Mr. Hatch's application for a broker license was tabled at the December 10, 2013 Commission meeting until more information was provided by his past broker, Betsy Denis regarding comments she made on the broker inspection report. Mr. Hatch joined the meeting in person to discuss the comments on the broker inspection letter from his previous broker, Betsy Denis. Ms. Denis was not available to answer questions from the Commissioners. Commissioners discussed broker responsibilities with Mr. Hatch. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Mr. Hatch to take the broker simulation examination. M/C
    - c. Mr. Johnson's application for a salesperson license was reviewed at the December 10, 2013 Commission meeting. The Commission moved to table Mr. Johnson's application until he provides letters of reference from two business associates and two bankers. Mr. Johnson provided the requested items and joined the meeting via conference call to answer any other questions Commissioners may have. Commissioner Schlosser moved, seconded by Commissioner Youngberg to approve Mr. Johnson to take the salesperson real estate examination. M/C
8. REVIEW BROKER LICENSE APPLICATION/BROKER INSPECTION LETTERS: NANCY A. KELLY. Nancy A. Kelly joined the Commission meeting via conference call to address the discrepancy between Ms. Kelly's statement on her application that she works full time doing real estate and her current and past brokers' statements that she has been part time. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Ms. Kelly to take the broker simulation examination. M/C
9. REVIEW BROKER LICENSE APPLICATION OF THOMAS L. BISANZ AND HIS REQUEST FOR WAIVER OF ORIGINAL CERTIFICATES OF LICENSURE. Commissioners reviewed several applications sent in by Mr. Bisanz, none of which were completed in their entirety and Mr. Bisanz's request to be allowed to provide copies of his certificates of licensure instead of original certificates. Commissioner Youngberg moved, seconded by Commissioner Schlosser to not consider Mr. Bisanz's application until all requirements of the application are submitted. M/C Special Assistant Attorney General Hofland was asked to respond to Mr. Bisanz noting that he is to provide the information as required and that if he is licensed as a sole proprietorship then that is how he is to advertise. The latter based on Mr. Bisanz letterhead and email signature which displays Lariat Realty Advisors and his application stating he is a sole proprietorship.
10. REVIEW REQUESTS FOR WAIVERS OF EXPERIENCE AND EDUCATION FOR BROKER LICENSE.
  - a. Thomas D. Kading joined the meeting via conference call to discuss with the Commission the reasons he should be granted a waiver from the two year requirement as an active salesperson and the education needed to become a broker. Mr. Kading stated that based on his experience as an attorney and because he has a master's degree in business he should be allowed to take the broker examination. Commissioner Schlosser moved, seconded by Commissioner Louser to approve Mr. Kading to take the broker license examination. M/C
  - b. William E. Wiebolt joined the meeting via conference call to discuss with the Commission the reasons he should be granted a waiver from the two year requirement as an active salesperson and the education needed to become a broker. Mr. Wiebolt stated that based on his experience as an attorney and the education he took to become an attorney he felt should be allowed to take the broker examination. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Mr. Wiebolt to take the broker license examination. M/C
11. DISCUSS DATES FOR NEXT COMMISSION MEETING. Staff will send out an email to the Commissioner to set a date in March for a Commission meeting.

12. OTHER BUSINESS:

- a. Executive Director Jergenson informed Commissioners that Linda Hagen would be retiring effective January 31, 2014.
- b. Jergenson provided information on administrative assistant wages in Burleigh County. It was the consensus of the Commission to set a salary range for the new administrative assistant from \$36,000 to \$38,000 per year.
- c. Commissioners were informed that Windows XP, which is software on all of the office computers, will no longer be supported by Microsoft so new software will need to be purchased. Staff will also research purchasing iPads for Commissioners to be used for the Commission meetings.
- d. Staff was asked to rename the Applicant Inspection Questionnaire.
- e. Commissioners encouraged Commissioner Louser to submit her name to the Governor for reappointment.

There being no further business Chair Cymbaluk adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson  
Executive Director