

January 26, 2006
11:30 AM
Fort Totten Room
State Capital Building
Bismarck, ND

Present: Jerry Youngberg/Chair, Jerry Schlosser/Vice Chair, Diane Louser/Member, Roger Cymbaluk/Member, Kris Sheridan/Member, David Reich/Legal Counsel, Patricia Jergenson/Secretary-Treasurer

1. CALL MEETING TO ORDER. Chair Jerry Youngberg called the meeting to order.
2. APPROVE MINUTES OF DECEMBER 14, 2005. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to accept the minutes as presented. M/C
3. APPROVE FINANCIAL REPORT FOR DECEMBER 2005. Commissioner Sheridan moved, seconded by Commissioner Schlosser to accept the financial report as presented. M/C Staff was directed to research the possibility of changing the Recovery Fund savings & checking accounts to money market accounts as well as acquiring pledges from the bank to protect any amounts over the FDIC insured \$100,000.
4. REVIEW OF FORMAL COMPLAINTS PENDING BEFORE THE NORTH DAKOTA REAL ESTATE COMMISSION. Jason Vendsel, attorney for Tom McKinnon, joined the meeting via conference call regarding Mr. McKinnon's request to have the complaint against him dismissed and to not have information regarding the complaint published. Dave Reich provided the Commissioners with information regarding the stipulated agreement offered to Mr. McKinnon. Commissioner Schlosser moved, seconded by Commissioner Cymbaluk to schedule a hearing for this complaint. M/C Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to amend complaint # 2005-01 stating the specific allegations against Mr. McKinnon. M/C
Dave Reich noted that complaint # 2005-05 is in civil litigation at this time and that Michael Puklich has paid his fine.
5. ND REAL ESTATE COMMISSION 2004/05 AUDIT REPORT. Rhonda Mahlum & Lynnell Ussatis of Mahlum & Goodhart PC reviewed the 2004/05 audit with Commissioners noting that they found everything in compliance. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve the audit report. M/C

6. REQUEST FOR WAIVERS ON BROKER LICENSE APPLICATIONS.

- a. Vernetta Christianson appeared before the Commission to request a waiver of the two year salesperson experience requirement and to be allowed to take the broker examination. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve Ms Christianson's request for the waiver of the two year salesperson experience requirement. M/C
- b. Tim Moore appeared before the Commission to request a waiver of the two year salesperson experience and to be allowed to take the broker examination. Commissioner Schlosser moved, seconded by Commissioner Sheridan to approve Mr. Moore's request for the waiver of the two year salesperson experience requirement. M/C
- c. Thomas R. Koebel requested the Commission waive both the education and test requirement and that he be issued a broker license. Commissioner Sheridan moved, seconded by Commissioner Louser to require Mr. Koebel to take the broker license examination. M/C

7. REQUEST FOR HEARING ON DENIED APPLICATIONS.

- a. Toby Kommer was unable to appear before the Commission due to illness.
- b. Michael Probst appeared before the Commission regarding the denial of his salesperson application which was due to outstanding judgments he has against him. Commissioner Cymbaluk moved, seconded by Commissioner Louser to stand on the previous denial. M/C
- c. Michael Wolfer appeared before the Commission regarding the denial of his salesperson application providing the written documentation as requested. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to allow Mr. Wolfer to sit for the examination. M/C

8. REVIEW APPLICATION FOR SALESPERSON LICENSE.

- a. Commissioners reviewed the application of Kristi S. Corbett for a salesperson's license. Commissioner Sheridan moved, seconded by Commissioner Louser to approve Ms Corbett to sit for the real estate exam. M/C
- b. Commissioners reviewed the application of Jenna L. Cranston for a salesperson's license. Commissioner Sheridan moved, seconded by Commissioner Louser to request an explanation regarding the theft noted on her application. M/C
- c. Commissioners reviewed the application of Shane A. Dockter for a salesperson's license. Commissioner Schlosser moved, seconded by Commissioner Sheridan to request more information regarding the charges that appeared on his background check. M/C
- d. Commissioners reviewed the application of Scott C. Gleave for a salesperson's license. Commissioner Louser moved, seconded by Commissioner Sheridan to request more information regarding an incident noted on his application. M/C
- e. Commissioners reviewed the application of Breanna M. Hinkel for a salesperson's license. Commissioner Louser moved, seconded by Commissioner Sheridan to allow Ms Hinkel to sit for the exam. M/C
- f. Commissioners reviewed the application of Kris A. Holt for a salesperson's license. Commissioner Schlosser moved, seconded by Commissioner Louser to approve Ms Holt to sit for the exam. M/C

- g. Kathryn A. Horton appeared before the Commission to discuss financial issues that appeared on her application for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Schlosser to allow Ms Horton to sit for the real estate exam. M/C
 - h. Commissioners reviewed the application of Sonya M. Jeanotte for a salesperson's license. Commissioner Cymbaluk moved, seconded by Commissioner Louser to allow Ms Jeanotte to sit for the exam. M/C
 - i. Commissioners reviewed the application of Donald A. Kouba for a salesperson's license. Commissioner Sheridan moved, seconded by Commissioner Schlosser to table the approval of Mr. Kouba's application until he provides proof of the satisfaction of the lien against him. M/C
 - j. Commissioners reviewed the application of Hedy A. Nagel for a salesperson's license. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve Ms Nagel to sit for the exam. M/C
 - k. Commissioners reviewed the application of Andre T. Sellers for a salesperson's license. Commissioner Sheridan abstained from discussion and vote on this applicant. Commissioner Schlosser moved, seconded by Commissioner Louser to request more information on the theft noted on Mr. Sellers' application. M/C
 - l. Commissioners reviewed the application of Clayton W. Snyder for a salesperson's license. Commissioner Schlosser moved, seconded by Commissioner to deny Mr. Snyder's application based on the seriousness of the felony on his application. M/C
 - m. Commissioners reviewed the application of Karmel J. Stockton for a salesperson's license. Commissioner Sheridan moved, seconded by Commissioner Louser to deny the application of Ms Stockton based on her credit report. M/C
 - n. Commissioners reviewed the application of Ryan J. Thayer for a salesperson's license. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to deny the application of Mr. Thayer due to the serious of the crimes on his application. M/C
 - o. Commissioners reviewed the application of Sonja R. Tkach for a salesperson's license. Commissioner Schlosser moved, seconded by Commissioner Cymbaluk to allow Ms Tkach to sit for the exam. M/C
 - p. Commissioners reviewed the application of Randy L. Wiese for a reciprocal salesperson's license. Commissioner Louser moved, seconded by Commissioner Schlosser to deny the reciprocal license of Ms Wiese until verification is provided that the tax issue has been resolved. M/C
9. REVIEW APPLICATION OF FIRM WITH SIMILAR NAME IN FARGO, ND.
Commissioner's reviewed the application for a firm license from Red River Homes dba The McKenzie Group a Division of Fargohomes. It was noted that there is a real estate firm in Fargo doing business as Fargohomes.com. Commissioner Sheridan moved, seconded by Commissioner Louser that due to the fact that the names of the 2 firms are deceptively similar more information is requested to clarify the situation as noted in a memo from Dan Deutsch that the 2 companies are operating as separate real estate brokerages but share the same name agreeably. M/C

10. UPDATE ON BROKERS NON COMPLAINANT WITH TRUST ACCOUNT AUDIT REQUEST. Staff noted that all brokers are complainant with the request for completion of items as requested by the trust account auditors at this time.
11. UPDATE ON 2006 RENEWALS. Staff informed the Commissioners that to date the total number of renewed licenses for 2006 was 1601 active licensees, 262 inactive licensees and 205 firms.
12. UPDATE ON CONTINUING EDUCATION COURSES APPROVED TO DATE. Commissioners received a printout of the continuing education courses approved as of January 26, 2006.
13. REVIEW REQUESTS FOR TRUST ACCOUNT WAIVERS. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve the requests for trust account waivers as attached to these minutes. M/C
14. COMMISSION GOALS. The goals for the Commission were discussed.
15. OTHER BUSINESS:
 - a. The license law books are under revision and format changes were discussed.
 - b. Preliminary planning for the commission's web site has begun. Points to remember are to set the parameters of what we are looking for and to have the flexibility to update the web site in house.
 - c. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to extend the current office lease for two years and negotiate for a longer time period if possible. M/C
 - d. It was the consensus of the Commissioners to begin using the new expense form effective February 1, 2006.
 - e. Secretary Treasurer Jergenson told the Commissioners that she will be out on sick leave for 4 to 6 weeks.

There being no further business Chair Youngberg adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson
Secretary Treasurer