

North Dakota Real Estate Commission
July 24, 2002
Conference Call
Pearce & Durick Law Office
314 E. Thayer Ave.
Bismarck, ND 58501
10:00 AM

Present: Diane Louser/Chair, Roger Cymbaluk/Vice Chair, Kris Sheridan/Member, Robert Willer/Member, Jerry Youngberg/Member, David Reich/Legal Counsel, Patricia M. Jergenson/Secretary Treasurer

1. Chair Diane Louser called the meeting to order. All present verbally identified themselves for the record.
2. APPROVE MINUTES OF THE PREVIOUS MEETING. Commissioner Sheridan moved, seconded by Commissioner Willer to amend item #10 of the minutes to include that the Commissioners will be responsible for their own expenses during the fiscal year July 1, 2002 – June 30, 2003. M/C
Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to approve the minutes of the previous meeting as amended. M/C
3. REVIEW FORMAL COMPLAINT CASE 2002-03 – North Dakota Real Estate Commission vs. Daniel Ringuette. Dave Reich presented information provided to him by Mr. Ringuette regarding Mr. Ringuette's efforts to discontinue his internet advertising upon his license suspension. Commissioner Sheridan moved, seconded by Commissioner Youngberg to dismiss the complaint. M/C Mr. Reich recommended that the Guidelines for Suspended Brokers/Salespersons be revised to address coverage of internet advertising and the licensee's responsibility to insure that the web site provider has removed the advertising from the site. Mr. Reich will draft the revision for discussion at the next Commission meeting.
4. ATTORNEY GENERAL OPINION REGARDING METH LABS. Mr. Reich reported that he has not received a response from NDAR legal counsel.
5. REVIEW SALESPERSON LICENSE APPLICATIONS. The application of Mr. James Morken was reviewed. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to approve Mr. Morken's application. M/C The application of Ms. Daletta M. Smith was reviewed. Commissioner Cymbaluk moved, seconded by Commissioner Willer to request Ms. Smith provide a current credit report and if there are no other negative reports her application will be approved. M/C

6. REVIEW REQUEST FOR TRUST ACCOUNT WAIVER. Commissioners reviewed the request of Jim Buus/Jim Buus Company, Inc. for a trust account waiver. Commissioner Sheridan moved, seconded by Commissioner Willer to approve the trust account waiver for Jim Buus. M/C
7. CORRESPONDENCE REGARDING REAL ESTATE LICENSE EXAMINATION. Nicole Flickinger requested a waiver of the one year waiting period and that she be allowed to sit for the exam again after having failed three times. Commissioner Sheridan moved, seconded by Commissioner Willer to deny the request to sit for the exam before the one-year waiting period is up. M/C Cindy Jones requested a waiver of the one year waiting period and that she be allowed to sit for the exam again after having failed three times. Commissioner Willer moved, seconded by Commissioner Sheridan to deny the request to sit for the exam before the one-year waiting period is up. M/C Commissioners will review testing requirements and scores at the next Commission meeting.
8. REVIEW REQUEST FOR APPROVAL TO TAKE BROKERS EXAMINATION. Commissioners reviewed a letter from Kevin Pifer for a waiver of the requirement of two years of experience prior to taking the brokers license examination. Commissioner Willer moved, seconded by Commissioner Sheridan to allow Kevin Pifer to take the brokers examination but he must fulfill the education requirements before a broker's license will be issued to him. M/C
9. LEGISLATIVE ISSUES. Commissioners discussed the following legislative issues: the number of times allowed to take the license examination, increase fines to cover legal fees, license fee caps (\$150 salesperson, \$200 broker, \$200 firm, and \$50 inactive) and process of setting license fees. Commissioner Cymbaluk will formulate the position paper.
10. OTHER BUSINESS:
 - a. Commissioners received responses from various states regarding procedures used in investigations. Once all of the responses have been received the Commission will review them in detail.
 - b. Commissioner Willer and Pat Jergenson will draft a letter regarding the payment of vacation and sick pay due Mr. Schulz. Said letter is to be approved by the Commission prior to the parties involved signing it.

Commissioner Willer moved, seconded by Commissioner Sheridan to adjourn the meeting. M/C

Respectfully submitted,

Patricia M. Jergenson
Secretary Treasurer