

June 14, 2012
8:00am CT
North Dakota Real Estate Commission
200 E Main Ave
Main Floor Conference Room
Bismarck ND

Present: Jerry Schlosser/Chair, Diane Louser/Vice Chair, Kris Sheridan/Member, Roger Cymbaluk/Member, Jerry Youngberg/Member, Patricia M. Jergenson/Executive Director, Doug Bahr/ Solicitor General

1. CALL MEETING TO ORDER. Chair Schlosser called the meeting to order. Roll call was taken. All members were present. Commissioner Louser did not join the meeting until agenda item #3.
2. DISCUSS FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER COMPLAINT #2011-07.
 - a. NDREC v Scott C. Louser. Solicitor General Doug Bahr opened the discussion on the development of the final Findings of Fact Conclusions of Law and Order regarding the hearing of Complaint # 2011-07. Commissioner Youngberg moved, seconded by Commissioner Sheridan to dismiss the charges based on the ambiguity in the law regarding the notice of how funds are to be handled, arbitrary timeline and that handling of funds needs to be clarified. Discussion. Motion failed. (Aye: Commissioners Schlosser and Youngberg Nay: Commissioners Cymbaluk and Sheridan) Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to issue a letter of reprimand to Scott Louser to be written by Solicitor General Doug Bahr citing NDCC 43-23-11.1(1)(w) violation of generally accepted standards of practice, delayed action after multiple audits, and lack of response as a broker to audits. M/C Doug Bahr recommended the Commission, either through rule or statute, provide guidelines as to the process to be used in handling unclaimed earnest money.
3. REVIEW LICENSE APPLICATIONS:
 - a. Commissioner Louser joined the meeting at this time. Commissioners reviewed the application of Carolyn K. Bock for a salesperson license. Ms. Bock joined the meeting via conference call to explain her situation. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve Ms Bock to sit for the salesperson real estate license examination. M/C
 - b. Commissioners reviewed the application of M. Chad Boudreaux for a non-resident broker license. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to approve Mr. Boudreaux's application once he has provided 3 letters of reference (1 bank, 2 business) to Executive Director Jergenson. M/C
 - c. Commissioners reviewed the application of Michelle C. Bredell for a salesperson license. Commissioner Sheridan abstained from discussion and vote on this applicant. Commissioner Cymbaluk moved, seconded by Commissioner

- Youngberg to approve Ms. Bredell to sit for the salesperson real estate license examination. M/C
- d. Commissioners reviewed the application of Michelle A. Buntin for a non-resident broker license. Ms. Buntin joined the meeting via conference call to explain her situation. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Ms Buntin to sit for the non-resident broker real estate license examination. M/C
 - e. Commissioners reviewed the application of Catherine R. Cronen for a reciprocal broker license. Ms Cronen joined the meeting via conference call to discuss her situation. Commissioner Sheridan moved, seconded by Commissioner Louser to table Ms Cronen's application until she provides documentation to staff showing that she has reached a compromise with the IRS regarding the tax lien. M/C
 - f. Commissioners reviewed the application of Michael B. Elliott for a non-resident broker license. Mr. Elliott joined the meeting via conference call to explain his situation. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve Mr. Elliott to sit for the non-resident broker real estate license examination. M/C
 - g. Commissioners reviewed the application of Cynthia L. Engberg for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Ms. Engberg to sit for the salesperson real estate license examination. M/C
 - h. Commissioners reviewed the application of Isaiah J. Johns for a reciprocal salesperson license. Mr. Johns joined the meeting via conference call to explain his situation. Commissioner Sheridan moved, seconded by Commissioner Louser to table Mr. Johns' application until he provides a copy to staff of the satisfaction from the court that he has paid his child support after which his reciprocal license will be issued. M/C
 - i. Commissioners reviewed the application of Thomas M. Koltes for a non-resident broker license. Commissioner Cymbaluk moved, seconded by Commissioner Louser to table Mr. Koltes' application until he has provided verification that he is current with payments on the federal tax lien and an explanation of delinquencies on his credit report. M/C
 - j. Commissioners reviewed the application of Amanda M. Lindseth for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Louser to approve Ms. Lindseth to sit for the salesperson real estate license examination. M/C
 - k. Executive Director Jergenson informed Commissioners that David S. Loyens has withdrawn his application for a non-resident broker license.
 - l. Commissioners reviewed the application of Kasha M. Mason for a non-resident salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Louser to deny Ms. Mason's application due to the collections and tax liens that appear on her credit report. M/C
 - m. Commissioners reviewed the application of Gregory D. Meadows for a reciprocal broker license. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to approve Mr. Meadow's reciprocal broker license. M/C
 - n. Commissioners reviewed the application of Paul T. Moore for a non-resident broker license. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to approve Mr. Moore to sit for the non-resident broker real estate license exam. M/C
 - o. Commissioners reviewed the application of Carla N. Olson for a reciprocal salesperson license. Ms Olson joined the meeting via conference call to explain her situation. Commissioner Youngberg moved, seconded by Commissioner Louser to approve the reciprocal salesperson license for Ms. Olson. M/C

- p. Commissioners reviewed the application of Megan A. Pierce for a salesperson license. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Ms. Pierce to sit for the salesperson real estate license examination. M/C
 - q. Commissioners reviewed the application of Douglas C. Posey for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to table Mr. Posey's application until he can provide documents showing that the tax lien with the IRS has been resolved. M/C
 - r. Commissioners reviewed the application of William E. Salgat for a reciprocal salesperson license. Mr. Salgat joined the meeting via conference call to explain his situation. Commissioner Cymbaluk moved, seconded by Commissioner Louser to approve the reciprocal salesperson license for Mr. Salgat. M/C
 - s. Mary R. Shelkey-Miller was put on the agenda in error.
 - t. Commissioners reviewed the application of Donnet G. Sivertson for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Louser to table Ms Sivertson's application and request more information regarding the non-existence of a credit report for her. M/C
 - u. Commissioners reviewed the application of Brent R. Unruh for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Louser to deny Mr. Unruh's application due to the collections on his credit report. M/C
 - v. Commissioners reviewed the application of Ruben J. Orth for a salesperson license. Mr. Orth joined the meeting via conference call to explain his situation. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve Mr. Orth to sit for the salesperson real estate license examination upon receipt of letters of recommendation by Commission staff. M/C
4. REVIEW REQUEST FOR WAIVER FOR BROKER LICENSE:
- a. Ms. Kerr submitted her application for a broker license along with a request to have the 2 years of fulltime experience as a salesperson waived. Ms Kerr held a broker license in ND from 1995 to 2005 and a broker license in Utah from 2005 until present. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve Ms. Kerr to take the broker exam. M/C
 - b. Mr. Slater submitted his application for a broker license along with a request to have the 2 years of fulltime experience as a salesperson waived. Mr. Slater is a licensed broker in Colorado who has established residency in North Dakota and wishes to bypass the salesperson license due to his experience and current status in Colorado as a broker. Commissioner Cymbaluk moved, seconded by Commissioner Louser to deny Mr. Slater's application due to the federal tax lien on his credit report. M/C
5. REVIEW TABLED APPLICATIONS:
- a. At the February 29, 2012 Commission meeting Commissioners moved to table action on Ms. Fettig's application until Ms. Fettig provided certificates of licensure from any jurisdiction where she currently holds or has held a real estate license and an explanation regarding the items in collection on her credit report. Ms. Fettig has provided certificates of licensure from Idaho and Wyoming. Commissioner Cymbaluk moved, seconded by Commissioner Youngberg to table Ms. Fettig's application and request further explanation of her credit situation. M/C

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b. At the March 28, 2012 Commission meeting Commissioners moved to table action on Ms. Brenda K. Olson's application until Ms. Olson provided further explanation regarding her felony conviction, explanation of items in collection and 2 references from an employer, etc. (not personal references) Ms. Olson joined the Commission meeting via conference call to explain her situation regarding the felony conviction and collection items on her credit report. Commissioner Cymbaluk moved, seconded by Commissioner Louser to table Ms. Brenda Olson's application until documentation is received that her conviction has been reduced to a misdemeanor or pardoned. M/C.

6. OTHER BUSINESS.

- Heidi J. Hilzendeger joined the meeting via conference call to appeal the March 28, 2012 denial of her salesperson license application. Commissioner Youngberg moved, seconded by Commissioner Sheridan to approve Ms. Hilzendeger to take the salesperson examination once a letter of reference from her bank has been received by staff. M/C

There being no further business Chair Schlosser adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson
Executive Director