

March 10, 2009
8:00 am CDT Conference Call
ND Real Estate Commission
200 E Main Ave Suite 204
Bismarck ND 58501

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

1. CALL MEETING TO ORDER. Chair Roger Cymbaluk called the meeting to order. Roll call was taken.
2. REVIEW PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER FOR COMPLAINT # 2008-08 JEFFREY A. RIEPL V. SANDRA L. RETTERATH AND DEVELOP FINDINGS OF FACT. Commissioners discussed the proposed Findings of Fact and Conclusions of Law and Order that were filed by both parties regarding this complaint. Commissioner Sheridan moved, seconded by Commissioner Schlosser to dismiss the complaint against Ms. Retterath. M/C Special Assistant Attorney General Doug Bahr will draft the Findings of Fact and Conclusions of Law and Order for final approval by the Commission at their March 25, 2009 meeting.
3. REVIEW PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER FOR COMPLAINT # 2008-09 & 2008-10 KEITH D. DANKS V. KENNETH D. WELTER AND DEVELOP FINDINGS OF FACT. Commissioners discussed the proposed Findings of Fact and Conclusions of Law and Order that were filed by both parties regarding this complaint. Commissioner Sheridan moved, seconded by Commissioner Schlosser to accept the Proposed Findings of Fact and Conclusions of Law and Order as submitted by Constance Hofland citing 9 violations of statute. Discussion. Commissioner Schlosser called for the question. M/C Proper sanctions for these violations were then discussed. Commissioner Schlosser moved, seconded by Commissioner Youngberg to accept the recommended order as proposed by Constance Hofland: a 6 month suspension of Mr. Welter's real estate license, \$2500 fine and assessment of legal/investigative costs and add 6 hours of education (3 hours of agency law and 3 hours of contract law) in addition to the standard required continuing education. M/C Mr. Welter's license suspension begins upon receipt of the Order and his license cannot be reactivated unless the 6 hours of specified education are completed. Special Assistant Attorney General Doug Bahr will

draft the Findings of Fact and Conclusions of Law and Order for final approval by the Commission at their March 25, 2009 meeting.

4. Special Assistant Attorney General Doug Bahr provided the Commission with information regarding a case currently before the ND Supreme Court challenging the legal/investigative costs assessed by a Board/Commission to a respondent found in violation. Mr. Bahr is watching this case and will inform all Boards/Commissions as well as their legal counsel of the outcome.
5. Commissioners discussed filing a complaint against Mr. Welter's broker, Timothy Crary. The filing of a complaint would begin the investigative process – requesting a written response and based on that information the Commission would move to either dismiss or proceed to hearing. Commissioner Youngberg moved, seconded by Commissioner Schlosser to file a complaint against Tim Crary regarding the supervision of the licensees under his brokerage. M/C

There being no further business Chair Cymbaluk adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson
Executive Director