

October 20, 2005  
1:30 PM Conference Call  
North Dakota Real Estate Commission office  
200 E Main Ave Suite 204  
Bismarck, ND 58501

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

Absent: Jerry Schlosser/Vice Chair

1. CALL TO ORDER. Chair Jerry Youngberg called the meeting to order. Roll call was taken.
2. DISCUSS WRITTEN TESTIMONY TO PROPOSED RULES CHANGES AND APPROVE FINAL DRAFT OF PROPOSED RULES CHANGES.

Additional written testimony was discussed. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to change the proposed amendment to Chapter 70-02-04-15 to read as follows:

**Proposed AMENDMENT TO CHAPTER 70-02-04-15. Exemptions from continuing education requirement.** Any salesperson applicant, upon successful completion of the real estate licensing examination required post licensing education requirement, evidence of which has been furnished to the commission by the salesperson applicant's broker, shall be is exempt from the sixteen hour continuing education requirement for only the two-year period during which the salesperson applicant successfully completed such examination the post licensing education. Any broker applicant, upon successful completion of the real estate licensing examination, and the successful completion of a minimum of thirty classroom hours of pre-licensing education earned within the same two year period in which the applicant has written the licensing examination, shall be exempt from the sixteen hour continuing education requirement only for such the two year period.

History: Effective August 1, 1981; amended effective January 1, 1992; December 1, 1999.

General Authority: NDCC 43-23-08.2

Law Implemented: NDCC 43-23-08.2

Motion carried. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to approve the proposed amendments to the rules with the changes adopted October 20, 2005 subject to any changes suggested by the Attorney General's Office. M/C

3. REQUEST FOR HEARING ON DENIED APPLICATIONS.

- a. Michael D. Cariveau provided the Commission with a letter from his current employer as well as written correspondence from himself in regards to the denial of his application. Commissioner Cymbaluk moved, seconded by Commissioner Louser to allow Mr. Cariveau to sit for the real estate exam. M/C
- b. Mike Probst joined the conference call to provide information regarding the judgments against him. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to table a decision on Mr. Probst subject to him providing 3 letters of reference with one of those letters of reference to be from his current financial institution. M/C (1 nay, Commissioner Louser)
- c. Neil Wadhawan provided the Commission with written information regarding misdemeanors on his application. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan that the denial of Mr. Wadhawan's application stands as he did not provide adequate information as requested. M/C

4. REVIEW APPLICATION FOR SALESPERSON RECIPORCAL LICENSE.

Commissioners reviewed the application for a reciprocal salesperson license from Carole Gulland noting that Ms Gulland has a judgment against her and is in the process of filing bankruptcy. Commissioner Louser moved, seconded by Commissioner Sheridan to table Ms Gulland's application until the bankruptcy has been discharged and Ms Gulland can reapply at that time. M/C

5. REVIEW REQUEST FOR EXTENSION OF TIME ALLOWED TO TAKE REAL ESTATE EXAM FROM WALTER RODGERS.

Mr. Rodgers requested an extension on the time allowed to take his broker's exam because he had experienced some health problems and was not able to take the exam. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to request Mr. Rodgers complete a new application, waive the application fee, and that he take the exam by no later than November 15, 2005. M/C

6. DISCUSS CONTENT OF "MINIMUM SERVICES BROKERS V. STATE LEGISLATURES & LICENSING AUTHORITIES" COURSE.

Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to approve the course for 3 hours of continuing education. M/C

7. SET HEARING DATES FOR CASE# 2005-01 AND CASE# 2005-02.

Consensus was to set the hearings for December and to schedule a meeting of the task force on inducements and rebates in conjunction with the hearings.

8. OTHER BUSINESS:

- a. Staff had received a request for the commission's opinion regarding the giving of an inducement to do business with a relocation company. The consensus was that if there were no strings attached to the offer the program was okay.
- b. Commissioners discussed the verbiage in Chapter 70-02-02-12 Examinations and how it applied to the 15 hours of additional pre-licensing education that will be required as of January 1, 2006. Commissioner Sheridan moved, seconded by Commissioner Cymbaluk to not require a written examination for the 15 hours of education required prior to the issuance of a salesperson license. M/C

- c. Commissioner Youngberg has been elected alternate Director to the ARELLO Board of Directors representing District 3. This honor requires some additional travel. Commissioner Sheridan moved, seconded by Commissioner Louser to allocated funds for Commissioner Youngberg to attend the ARELLO board meeting in Florida in January. M/C
- d. The participation of Commissioners and staff in the ARELLO organization was discussed.
- e. Methods of delivery of commission meeting materials were discussed.
- f. The participation as panel members at the NDAR REALTOR® summit was discussed.

There being no further business Chair Youngberg adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson  
Secretary Treasurer