

North Dakota Real Estate Commission  
September 11, 2002  
Alerus Convention Center  
Grand Forks, ND  
2:00 PM

Present: Roger Cymbaluk/Vice Chair, Bob Willer/Member, Kris Sheridan/Member,  
Jerry Youngberg/Member, Patricia M. Jergenson/Secretary Treasurer

Absent: Diane Louser/Chair

1. Vice Chair Roger Cymbaluk called the meeting to order.
2. APPROVE MINUTES OF THE PREVIOUS MEETING. Commissioner Sheridan moved, seconded by Commissioner Youngberg to accept the minutes as sent. M/C
3. FINANCIAL REPORT. Commissioner Willer moved, seconded by Commissioner Sheridan to approve the financial report for June 2002 as presented. M/C Secretary Treasurer Jergenson presented formats for future computerized financial reports. It was the consensus of the Commissioners to include the percentage as well as the year to date amounts. A balance sheet will also be part of the financial report.
4. AMP TEST SCORES AND TESTING REQUIREMENTS. AMP test scores for the month of July show a 77% pass rate, which demonstrates that possible problems with the test do not exist. Commissioners requested that the test scores vs. the pre-licensing course provider be tracked for the months of July and August and reported at the next Commission meeting. The passing percentages of North Dakota vs. nationwide will also be reviewed at that time. Commissioner Willer noted that there are no other states that have the regulation that if a license applicant fails the examination 3 times they have to wait a year and reapply. Commissioner Willer moved, seconded by Commissioner Sheridan to change the limitations in the rules for license testing to unlimited within a 12-month period and clean up any unnecessary language in 70-02-01-03. Examinations. M/C
5. REVIEW REVISED GUIDELINES FOR SUSPENDED BROKERS AND SALESPERSONS. Commissioner Sheridan moved, seconded by Commissioner Willer to approve the Guidelines for Suspended Brokers and Salespersons as presented. M/C
6. REVIEW REQUEST FOR TRUST ACCOUNT WAIVER. Commissioners reviewed the request of Gene Youngberg/Broker of Rapid City, South Dakota for a trust account waiver. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve the trust account waiver for Gene Youngberg. M/C

7. RECIPROCITY WITH STATES THAT HAVE SINGLE LICENSURE. It was the consensus of the Commissioners present that when issuing a reciprocal license involving a state with single licensure the reciprocal license will be issued as a broker's license.
8. OTHER BUSINESS:
  - a. Commissioner Willer moved, seconded by Commissioner Youngberg to authorize the completion of the agreement with Dennis Schulz regarding payment of his vacation and sick time. M/C
  - b. The final version of the Guidelines for Personal Assistants was accepted and will be mailed out in the broker renewal letters.
  - c. An email from UND regarding the extension of the amount of time allowed for students to complete the online pre-licensing course was reviewed.
  - d. Correspondence from Kevin Pifer informing the Commissioners that he will not be applying for a broker's license was reviewed.
  - e. Commissioners reviewed correspondence from the Pennsylvania Real Estate Commission regarding their regulations for reciprocity.
  - f. Mr. Reich provided a written opinion regarding a question involving advertising. His interpretation of the law is that it deals with advertising of real property and does not address personal advertising. Commissioner Sheridan moved, seconded by Commissioner Youngberg to change 70-02-03-02.1 Advertising to include all advertising after discussion with Mr. Reich, Special Assistant Attorney General at the next Commission meeting. M/C
  - g. Secretary Treasurer Jergenson asked for clarification on the requirements for documentation of transactions when they involve a builder who has a real estate license. It was noted that as a real estate licensee, compliance with license law is expected.
9. REVIEW LEGISLATIVE ISSUES. Commissioner Cymbaluk discussed the position paper outlining the statute and rules changes for this Legislative session. It was discussed to seek a cap of \$200 for license fees (keeping the cap the same for all licenses due to the possibility of single licensure in the future), raising the amount of fines, recovery of legal fees incurred from hearings, and to allow the Commission to set administrative fees involving change of address, license transfer, etc. without having these charges set out in the law. Rules changes are needed to the following rules to bring them up to date: 70-02-01-03.Examinations, 70-02-01-02.Application for License, 70-02-01-05.Inactive licenses, 70-02-03-02.1Advertising, 70-02-03 Code of Ethics and requiring new licensees to attend the mandatory education courses during their first ce cycle. Commissioner Youngberg moved, seconded by Commissioner Sheridan to proceed with these guidelines as set out regarding license fees, fines, recovery of legal fees, setting administrative fees and rules changes. M/C

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

Respectfully submitted,

Patricia M. Jergenson  
Secretary Treasurer