



**North Dakota Real Estate Commission Meeting Minutes – FINAL
8:30 a.m., Wednesday, October 10, 2018
Ft. Lincoln Room, Ground Floor, State Capitol, Bismarck**

ndrec@nd.gov

www.realestatend.org

Present: Roger Cymbaluk, chair; Scott Breidenbach, vice chair; members: Sandra Meyer, Steven Bitz, Diane Louser; Constance Hofland, special assistant attorney general; staff: Jeanne Prom, executive director; Rob Yost, accountant/CPA, and Kristi Hass, licensing specialist. Members of the public also present.

- I. Call meeting to order. Chair Mr. Roger Cymbaluk called the meeting to order at 8:30 a.m.
- II. Roll call and determination of quorum. Executive Director Ms. Jeanne Prom called the roll, with a quorum of all members present. Mr. Cymbaluk welcomed the public present at the meeting and also Mr. Rob Yost, the auditor CPA, to his first commission meeting.
- III. Review and approval of agenda. Ms. Diane Louser moved to approve agenda as presented. Mr. Scott Breidenbach seconded. Motion carried unanimously by voice vote.
- IV. Review of tabled license application – Nathan Bazey. See attachment for actions on all license applications.
- V. Appeals of denied salesperson license applications. See attachment for actions on all license application denial appeals.
- VI. Request for waiver of salesperson pre-license education, national exam – Connie Stober. See attachment for actions on all license applications.
- VII. Review of license applications. See attachment for actions on all license applications. Chair Cymbaluk recessed the meeting at 9:55 a.m. and reconvened the meeting at 10:10 a.m.
- VIII. Update on complaints.
 - A. Case 2018-11 – Bestall v. Galt – Memorandum and Attachments. Ms. Louser moved to dismiss Case 2018-11. Mr. Steven Bitz seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – Ms. Meyer. Motion carried on a 4-1 vote.
Case 2018-13 – Corell v. Thornton – Memorandum and Attachments. Mr. Bitz moved to dismiss Case 2018-13. Ms. Sandra Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
- IX. Update from management.
 - A. Potential legislation – N.D. Association of REALTORS® (NDAR).
Administrative Rules review. The commission agreed by consensus to begin to review rules in Chapter 70 of the N.D. Administrative Code between now through April 2019. This timeframe allows consideration of any rules changes that may be needed if the 2019 Legislative Assembly changes real estate license statutes. The commission will begin the formal public hearing and legislative review process after April 2019. Rules review will be on the agendas for the 2018-2019 commission meetings, and special meetings may be scheduled for this review. Rules review will include the rule change

Members of the North Dakota Real Estate Commission are: Roger Cymbaluk, Chair; Scott Breidenbach, Vice Chair; members: Sandra Meyer, Steven Bitz, Diane Louser. Special Assistant Attorney General: Constance Hofland. Staff: Jeanne Prom, executive director; Rob Yost, auditor/CPA; Kristi Hass, licensing specialist.

formally supported by the commission at the March 20, 2018 meeting. This rule change proposal from NDAR increases continuing education hours from 9 to 12 per annual cycle, with 3 of those 12 hours to be a mandatory topic determined by the commission. The NDAR noted that its intent was that the mandatory topic for brokers not be topics listed in the current rule (NDAC 70-02-04-02). The rules review will also include the request from NDAR to clarify what real estate teams can and cannot do. The NDAR is proposing that the commission be allowed to review team records upon request.

Statutory changes. Ms. Meyer moved to support the proposal by the N.D. Association of REALTORS® to increase the hours required for pre-licensing education from 45 hours to 90 hours. This statutory change to NDCC §43-23-08.4 requires a bill to be introduced and passed by the N.D. Legislative Assembly. Mr. Breidenbach seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously. Ms. Prom reported that a mandatory disclosure bill may be proposed during the next legislative session. The bill draft includes language requiring the commission to establish a written disclosure form.

B. Office – Auditor/CPA, licensing, renewals, lease.

Auditor/CPA. Ms. Prom again introduced Mr. Rob Yost as the newly hired auditor/CPA.

Licensing, renewals. The commission agreed by consensus with Ms. Prom that Ms. Kristi Hass shall be called a licensing specialist, to accurately reflect job duties. Ms. Hass gave an update on the licensing and renewal timeline and process. Renewals opened the beginning of this week, with renewals already submitted. Opening was later than usual. Ms. Hass reported that in addition to allowing credit card payment for renewals, the office now accepts credit card payments for all other fees, which has been a commission goal. The commission and staff discussed the continued goal of modernizing and automating the licensing application and other processes. Mr. Cymbaluk reported that South Dakota no longer accepts license renewals on paper. Lease. Mr. Breidenbach moved to continue to lease the current office space for one year, with an option to renew, at \$15 per square foot. Ms. Louser seconded. Motion carried unanimously by voice vote.

C. Broker form change. The commission agreed by consensus to review the broker application and assessment forms and discuss at the December 19, 2018 meeting. Commissioners should provide language and other changes to the office staff in writing by December 1, 2018.

D. Guideline approval – assistants. The commission agreed by consensus to review the guideline on personal assistants and discuss at the December 19, 2018 meeting. Ms. Prom noted that she and Ms. Hofland reviewed the guideline and it conforms with current real estate license statutes and rules.

E. Recent meetings -- September 6, 2018, and ARELLO September 26-30, 2018. The commission and staff discussed recent meetings. Mr. Breidenbach commented on his visit to the office on September 6, 2018 to review the license application process. At the ARELLO conference, emeritus status was granted to former commissioner Mr. Jerry Youngberg and former executive director Ms. Pat Jergenson. Ms. Meyer and Mr. Bitz attended the commissioner college.

F. Upcoming events – Grand Forks October 18, 2018 and N.D. Professional Licensing Board Orientation and Training. Ms. Prom will attend the Grand Forks Board of REALTORS® meeting October 18, 2018, with any commissioners who also want to attend. Most commissioners and staff will attend the N.D. Professional Licensing Board

Orientation and Training on October 30, 2018, offered by the Office of Attorney General.

- G. Trust account waivers. The commission received the trust account waivers granted since the last meeting.
- H. 2018-2019 meeting schedule. The commission agreed by consensus to change an upcoming meeting from February 5, 2019 to the afternoon of February 4, 2019.
- I. 2018 priorities. The commissioners agreed by consensus to review the 2018 priorities and be prepared to discuss 2019 priorities at the December 19, 2018 meeting. Mr. Breidenbach suggested that in its 2019-2020 budget development, the commission revisit the current practice of covering the added cost of accepting credit card payments. Currently, the commission does not charge licensees more for credit card payments, but the commission does pay fees of about 3.4% of the total amount of all credit card transactions.
- X. Minutes – August 8, 2018 meeting. Mr. Bitz moved to approve minutes from the August 8, 2018 meeting as presented. Ms. Louser seconded. Motion carried unanimously by voice vote.
- XI. Financial reports – July through September 2018, CD investments. Mr. Breidenbach moved to approve financial reports and certificates of deposit (CDs) investments from July through September 2018 as presented and authorize Mr. Rob Yost to reinvest the CDs at a higher rate and open a money market account. Mr. Bitz seconded. Motion carried unanimously by voice vote.
- XII. Next meeting. The next meeting will begin at 8:30 a.m., Wednesday, December 19, 2018 in Bismarck.
- XIII. Adjourn. Chair Cymbaluk adjourned the meeting at 12:15 p.m.

attachment



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IV. Nathan Bazey – present by phone after discussion and action on license application	salesperson – tabled from a previous meeting	Mr. Breidenbach moved to allow Mr. Nathan Bazey to take the salesperson examination. Ms. Louser seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
V. A. Ashley Benson – present on phone	salesperson – reciprocal – MN – denied at a previous meeting	A motion to overturn the denial of Ms. Ashley Benson’s request for a reciprocal salesperson license failed for lack of a second. The denial of the application for Ms. Benson stands.
V. C. David VanAssche – present in person	salesperson – denied at a previous meeting	Mr. Bitz moved to allow Mr. David VanAssche to take the salesperson examination. Ms. Louser seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz; Ms. Louser, Mr. Cymbaluk; nays – Mr. Breidenbach. Motion carried on a 4-1 vote.
V. B. Denise Luttio – not present on phone or in person	salesperson – denied at a previous meeting	Ms. Louser moved to allow Ms. Denise Luttio to take the salesperson examination. Mr. Breidenbach seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VI. Connie Stober – present on phone	salesperson – request for waiver of pre-license education and national portion of exam	Ms. Louser moved to waive the salesperson pre-license education and the national portion of the salesperson examination for Ms. Connie Stober. Ms. Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. B. Joseph Erb – present on phone	salesperson – reciprocal -- MN	Mr. Breidenbach moved to table the application from Mr. Joseph Erb until a future meeting when Mr. Erb can provide documentation of a payment plan to the commission. Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

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NAME	LICENSE/OTHER APPLYING/REQUESTING:	ACTION BY COMMISSION:
VII. A. Jordan Douglas – present on phone	salesperson	Ms. Louser moved to allow Mr. Jordan Douglas to take the salesperson examination. Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. C. Rocky Gabel – present on phone	salesperson	Mr. Breidenbach moved to allow Mr. Rocky Gabel to take the salesperson examination after he provides staff with a signed letter on official letterhead from the O'Connor Tax Group and documentation from the Internal Revenue Service showing an approved payment plan. Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. D. Gabriel Haney – not present on phone or in person	salesperson– reciprocal -- MN	Ms. Louser moved to deny the application for Mr. Gabriel Haney. Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. F. Kristin Melideo-Fitch – present on phone	salesperson	Mr. Breidenbach moved to allow Ms. Kristin Melideo-Fitch to take the salesperson examination after she provides staff with documentation that accounts are current. Ms. Louser seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. E. Tallon Lippert – present on phone	salesperson	Mr. Breidenbach moved to allow Mr. Tallon Lippert to take the salesperson examination after he provides staff with documentation that the account is paid in full. Ms. Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. G. Ranae Schmidt – not present on phone or in person	salesperson	Ms. Louser moved to allow Ms. Ranae Schmidt to take the salesperson examination after she provides staff with documentation of bankruptcy discharge. Mr. Breidenbach seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.
VII. H. Jacob Zumbo – present on phone	salesperson	Mr. Breidenbach moved to table the application for Mr. Jacob Zumbo for one year to allow Mr. Zumbo to provide a payment plan to the commission. Ms. Meyer seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.

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NAME	LICENSE/OTHER APPLYING/REQUESTING:	ACTION BY COMMISSION:
VII. I. Emmanuel Freeman – present on phone	salesperson	Mr. Breidenbach moved to allow Mr. Freeman to take the salesperson examination after he provides staff with documentation that an account is current. Mr. Bitz seconded. Roll call vote: ayes – Ms. Meyer, Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk; nays – none. Motion carried unanimously.