



**North Dakota Real Estate Commission Meeting Minutes – FINAL**  
**8:30 a.m., Wednesday, April 3, 2019**  
**Lecture Rooms A and B, N.D. Heritage Center**  
**State Capitol grounds, Bismarck**  
[www.realestatend.org](http://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, CPA/auditor; 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.
- III. Review and approval of agenda. Ms. Diane Louser moved to approve the updated agenda as presented. Mr. Steven Bitz seconded. Motion carried by unanimous voice vote.
- IV. Review of tabled reciprocal license applications – Marissa Jahner, Joe Erb. See attachment for actions on all license applications.
- V. Request for waiver of two-year experience requirement for broker application – Matthew Zimmerman. See attachment for actions on all license applications.
- VI. Review of other license applications. See attachment for actions on all license applications.
- VII. Update on complaints.
  - A. Case 2018-07 – Ulness v. Tweten – Stipulation and Settlement Agreement. Ms. Louser moved to approve the stipulation and settlement agreement. Mr. Scott Breidenbach seconded. Roll call vote: ayes -- Mr. Steven Bitz, Ms. Diane Louser, Mr. Scott Breidenbach, Mr. Roger Cymbaluk, Ms. Sandra Meyer; nays – none. Motion carried unanimously.
  - B. Case 2018-18 – Wetsch v. Strom – Stipulation and Settlement Agreement. Mr. Breidenbach moved to approve the stipulation and settlement agreement. Ms. Louser seconded. Roll call vote: ayes -- Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
  - C. Case 2018-16 – Vestal v. Greaves – Memorandum and attachments. Mr. Bitz moved that 2018-16 Vestal v. Greaves be scheduled for a hearing. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
  - D. Case 2019-02 – Schumacher v. Mozley – Memorandum and attachments. Mr. Breidenbach requested that he be recused from discussion on Case 2019-02, citing a conflict of interest. Mr. Cymbaluk approved. Mr. Breidenbach left the room. Mr. Bitz moved to dismiss Case 2019-02. Ms. Sandra Meyer seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Cymbaluk, Ms. Meyer; nays – none; recused and not voting – Mr. Breidenbach. Motion carried 4-0 and 1 recused and not voting. Mr. Breidenbach returned to the meeting room.
  - E. Case 2018-01 – NDREC v. Lori Lingenfelter. The commission was informed of the recent death of Lori Lingenfelter. Ms. Meyer moved that the commission no longer

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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.

pursue a judgement against Ms. Lingenfelter and the commission work with the personal representative for the estate to get trust account bank records for commission review. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.

Chair Cymbaluk recessed the commission at 10:00 a.m. and reconvened the commission at 10:10 a.m.

- VIII. Update from management.
- A. Legislative update. Ms. Prom provided a legislative update.
  - B. Office update. Ms. Prom provided an update. Staff will eliminate the fax line and replace it with a phone line. The commission approved by consensus the workspace furniture for the reception area of the office and that Ms. Prom will hire a temporary fulltime staff person.
  - C. Mandatory topic/s -- 2020. The commission discussed the N.D. Association of REALTORS'® suggestions of professionalism and risk management for 2020 mandatory topics. Ms. Prom will provide a list of potential mandatory topic ideas from commissioners for further discussion at the June 4, 2019 meeting.
  - D. ARELLO conference. Mr. Cymbaluk, Mr. Breidenbach and Ms. Prom will attend the mid-year meeting in April.
  - E. Trust account waivers. The commission received the list of trust account waivers.
  - F. 2018-2019 priorities. The commission received the list of priorities.
- IX. Minutes – February 4, 2019 meeting. Ms. Louser moved to approve the minutes as presented from the February 4, 2019 meeting. Mr. Bitz seconded. Motion carried by unanimous voice vote.
- X. Financial reports – January and February 2019. The reports contained standard updates required after the agency's annual audit. Rob Yost, CPA/auditor answered questions related to these standard updates on the financial reports. Ms. Meyer moved to approve the financial reports from January and February 2019 as presented. Mr. Bitz seconded. Motion carried by unanimous voice vote.
- XI. Other. The commission and staff heard comments from the public on a licensee with alleged NSF checks. The commission will act if a complaint is filed.
- XII. Next meeting. The meeting will begin at 8:30 a.m., Tuesday, June 4, 2019 in the Fort Lincoln Room in the state capitol, Bismarck.
- XIII. Adjourn. Chair Cymbaluk adjourned the meeting at 11:20 a.m.

attachment



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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
IV. Marissa Jahner – present on phone	salesperson – reciprocal -- MN	Ms. Louser moved to issue a reciprocal salesperson license for Ms. Marissa Jahner. Ms. Meyer seconded. Roll call vote: ayes -- Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
IV. Joe Erb – present on phone	salesperson – reciprocal -- MN	Mr. Breidenbach moved to issue a reciprocal salesperson license for Mr. Joe Erb after he provides staff with documentation of payments and payment plans for all creditors. Ms. Louser seconded. Roll call vote: ayes -- Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
V. Matthew Zimmerman – present in person	broker	Mr. Breidenbach moved to table the request from Mr. Matthew Zimmerman to waive the two-year experience requirement to take the broker examination. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
VI. A. Aushara Abdallah – present on phone	salesperson – reciprocal -- MN	Mr. Bitz moved to issue a reciprocal salesperson license for Ms. Aushara Abdallah after she provides staff with documentation that issues with two accounts are resolved. Ms. Louser seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
VI. B. Alex Anderson-Roesler – present on phone	salesperson	Mr. Breidenbach moved to deny a salesperson license application for Mr. Alex Anderson-Roesler. Ms. Meyer seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
VI. C. Dustin Malvin – present on phone	salesperson	Mr. Breidenbach moved to allow Mr. Dustin Malvin to take the salesperson examination after Mr. Malvin completes probation. Ms. Louser seconded. Roll

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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
		call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
VI. D. Patrick McGurren – present in person	salesperson	Mr. Breidenbach moved to deny the salesperson application from Mr. Patrick McGurren. Mr. Bitz seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
VI. E. Cody Spears – present on phone	Salesperson – reciprocal -- MN	Ms. Louser moved to issue a reciprocal salesperson license to Mr. Cody Spears. Ms. Meyer seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.
VI. F. Sarah Gibson – present on phone	salesperson	Mr. Breidenbach moved to: waive the pre-licensure education and national examination requirements, require Ms. Gibson to provide staff with documentation showing satisfactory status of one debt, and allow Ms. Sarah Gibson to take the state salesperson examination. Mr. Bitz seconded. Roll call vote: ayes – Mr. Bitz, Ms. Louser, Mr. Breidenbach, Mr. Cymbaluk, Ms. Meyer; nays – none. Motion carried unanimously.