



North Dakota Real Estate Commission Meeting Minutes – FINAL
8:30 a.m., Wednesday, December 18, 2019
Lecture Rooms A & B, ND Heritage Center
612 E Blvd Ave, State Capitol grounds, Bismarck
www.realestatend.org

Present: Scott Breidenbach, chair; Sandra Meyer, vice chair; members: Steven Bitz, Steven Link, Roger Cymbaluk; Constance Hofland, special assistant attorney general, legal counsel; staff: Jeanne Prom, executive director; Rob Yost, CPA/auditor; Kristi Hass, licensing specialist; Colette Weber, program assistant. Members of the public also present in person and on the phone.

- I. Call to order. Chair Mr. Scott Breidenbach 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.
- III. Review broker applications, requests for waiver of 2-year experience requirement. See attachment for actions on all license applications.
- IV. Review of salesperson license applications. See attachment for actions on all license applications.
- V. Update on complaints.
 - A. Case 2019-06 -- Christopher Staloch v. Tyler Hofland – Memorandum. Mr. Steven Bitz moved to proceed to a hearing on Case 2019-06. Mr. Roger Cymbaluk seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - B. Case 2019-07– Jacqueline Zachmeier v. Steven Ilse -- Memorandum. Mr. Cymbaluk moved to dismiss Case 2019-07. Ms. Sandra Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - C. Case 2018-01 -- NDREC v. Lori Lingenfelter – Memorandum. Mr. Rob Yost, CPA/auditor, verified all bank transactions covering all of 2016 through August 2019. No requested records were on hand for transactions prior to 2016 . Mr. Cymbaluk moved to close the complaint record on Case 2018-01. Mr. Steven Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - D. Case 2017-01 – Jordan Anderson v. Michelle Kaufman & Suzy Shook – Memorandum. Mr. Bitz moved to grant Mr. Jordan Anderson’s request to withdraw the complaint in Case 2017-01. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - E. Case 2016-25 – Christopher Wyatt v. Susan Crockett -- Update. Ms. Connie Hofland, special assistant attorney general, reported that a lawsuit related to the transaction in this complaint is not yet resolved in district court.

- VI. Update from management.
- A. 2019-2020 priorities. Ms. Meyer moved to approve the hiring of Colette Weber as a temporary full-time program assistant beginning October 14, 2019. Ms. Weber is paid \$15/hour for 40 hours/week and receives fully paid individual health insurance. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - B. Disclosure law application. Mr. Bitz moved that the North Dakota Real Estate Commission adopt this formal policy: The commission will not discipline licensees for noncompliance with the new property condition disclosure law if the purchase agreement is contingent on acceptance and approval by the buyer of the seller's written property disclosure. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - C. Office update. Ms. Prom will continue to work with the landlord, Mr. Breidenbach and Mr. Bitz to determine a cost for renovating 1120 College Drive, Suite 204 in the building attached to current office space.
 - D. Audits of office. Mr. Rob Yost, CPA/auditor, reported that the Brady Martz accounting firm will be conducting biennial audits of the office.
 - E. Trust account audits. The commission clarified that the broker can be notified immediately after an audit is completed, and the commission reviews only those audits that show issues not resolved after multiple audits.
 - F. Trust account waivers. The commissioners received a list of waivers.
- VII. Financial reports – August through November 2019. Mr. Cymbaluk moved to approve the financial statements from August 2019 through November 2019. Mr. Link seconded. Motion carried by unanimous voice vote.
- VIII. Minutes – September 4, 2019 meeting. Mr. Cymbaluk moved to approve the minutes as presented from the September 4, 2019 meeting. Mr. Link seconded. Motion carried by unanimous voice vote.
- IX. Review and approval of agenda. Mr. Cymbaluk moved to approve the agenda with additions. Mr. Bitz seconded. Motion carried by unanimous voice vote.
- X. Any additional business. The commissioners cancelled the January 22, 2020 and March 11, 2020 meetings. The next meeting is May 6, 2020.
- Chair Breidenbach called a recess at 11:30 a.m. and reconvened the meeting at 11:45 a.m.
- XI. Rules review. The commission reviewed all N.D. real estate license rules and statutes with public input. The commission will review suggested rules and statutes changes at the May 6, 2020 meeting. Any formal hearing on rule changes would be set at a date after the May 6, 2020 meeting.
- XII. Adjourn. Chair Breidenbach adjourned the meeting at 2:20 p.m.
attachment



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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
IV. A. Kacy Hazen – present on phone	broker, accept experience as substantially equivalent to 2-year requirement, accept prior education for broker education	Mr. Link moved to deny Ms. Kacy Hazen’s broker application and requests. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
IV. B. Amber Haugland – present on phone	broker, accept experience as substantially equivalent to 2-year requirement, accept prior education for broker education	Mr. Bitz moved to waive the 2-year experience requirement for Ms. Amber Haugland, and allow Ms. Haugland to take the broker examination after she has completed the broker education course. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
V. A. Matthew Urlacher – present in person	salesperson	Mr. Cymbaluk moved to allow Mr. Matthew Urlacher to take the salesperson examination after he provides staff with necessary official documentation that all debts are current. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
V. B. Gregory Hadfield – present on phone	salesperson	Mr. Link moved to allow Mr. Gregory Hadfield to take the salesperson exam. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
V. C. Yasmina Toovi – present on phone	salesperson – reciprocal -- MN	Mr. Cymbaluk moved to issue Ms. Yasmina Toovi a reciprocal salesperson license. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

NDREC Meeting – December 18, 2019

NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
V. D. Laci Hanson – present on phone	salesperson	Mr. Bitz moved to deny Ms. Lacy Hanson’s salesperson license application. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
V. E. Jayde Reese – present on phone	salesperson	Mr. Cymbaluk moved to table the salesperson application from Ms. Jayde Reese for up to 1 year, during which time Ms. Reese can return to the commission for reconsideration once all debts are managed. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
V. F. Stacey Kubas – present on phone	salesperson	Mr. Cymbaluk moved to allow Ms. Stacey Kubas to take the salesperson examination after Ms. Kubas submits official documentation from the trustee that bankruptcy payments are current. Mr. Breidenbach seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.