



North Dakota Real Estate Commission Meeting Minutes -- FINAL
8:30 a.m., Tuesday, February 11, 2020
Fort Lincoln Room, State Capitol
600 E Blvd Ave, 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. 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 and approval of agenda. Mr. Steven Link moved to approve the agenda as presented. Mr. Steven Bitz seconded. Motion carried by unanimous voice vote.
- IV. Review of appeal of a denied broker application. See attachment for actions on all license applications.
- V. Review of broker application, request for waiver of 2-year experience requirement. See attachment for actions on all license applications.
- VI. Review of salesperson license applications. See attachment for actions on all license applications.
- VII. Update on complaints.
 - A. Case 2011-07 -- NDREC v. Scott Louser -- discussion. Mr. Roger Cymbaluk moved that the following be the policy of the North Dakota Real Estate Commission: A permanent letter of reprimand in a licensee's file due to disciplinary action can be expunged from the licensee's file and record if 1) the licensee petitions the commission to request the letter and record be expunged; 2) the letter has been in the file at least 7 years; 3) the commission determines that removing the letter and expunging the licensee's record does not endanger the public; and 4) the commission has not taken any disciplinary action against the licensee since the letter was placed in the file. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
Mr. Scott Louser attended the meeting in person and petitioned the commission to remove the letter of reprimand from his file and expunge the record for Case 2011-07 – NDREC v. Scott Louser. Mr. Cymbaluk moved to remove the letter of reprimand from Mr. Scott Louser's file and expunge the record for Case 2011-07 – NDREC v. Scott Louser. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - B. Case 2019-08 – Barbara Grande v. Caitlyn Christianson and Theresa Halvorson. Mr. Cymbaluk moved to dismiss Case 2019-08. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz; nays – Ms. Meyer, Mr. Breidenbach. Motion carried 3-2.

Members of the North Dakota Real Estate Commission are: Scott Breidenbach, chair; Sandra Meyer, vice chair; members: Steven Bitz, Steven Link, Roger Cymbaluk. Special Assistant Attorney General: Constance Hofland. Staff: Jeanne Prom, executive director; Rob Yost, CPA/auditor.

- C. Case 2019-10 – Mitzi Bestall v. John Chin. Mr. Bitz moved to dismiss Case 2019-10. Mr. Link seconded. Roll call vote: ayes – Mr. Link, Mr. Bitz, Mr. Breidenbach; nays – Mr. Cymbaluk, Ms. Meyer. Motion carried 3-2.
- D. Case 2019-13 – Richard and Jean Brownson v. Laurie Tweten and Kym Enlow. Mr. Cymbaluk moved to dismiss Case 2019-13. Ms. Sandy Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
- VIII. Update from management.
 - A. 2019-2020 priorities. The commission reviewed the report.
 - B. Trust account waivers. The commission received a list of waivers.
- IX. Financial reports – December 2019 and January 2020. Mr. Cymbaluk moved to approve the financial statements from December 2019 and January 2020. Ms. Meyer seconded. Motion carried by unanimous voice vote.
- X. Minutes – December 18, 2019 meeting. Mr. Bitz moved to approve the minutes as presented from the December 18, 2019 meeting. Mr. Link seconded. Motion carried by unanimous voice vote.
- XI. Any additional business. The commission noted that Mr. Louser suggested the commission, in its review of statutes and rules, consider the practical effect of the phrase “should have known” in NDCC 43-23-12.2. 2 and 3, and any other place similar language is used.
- XII. Next meeting. The commission agreed by consensus to change the next meeting from May 6, 2020 to April 27, 2020.
- XIII. Adjourn. Chair Breidenbach adjourned the meeting at 10:44 a.m.
attachment



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NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
IV. Kacy Hazen – present on phone	Appeal of denied broker application	Mr. Breidenbach moved to uphold the commission’s denial of the broker application from Ms. Kacy Hazen. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
V. Karen George – present in person	broker, accept experience as substantially equivalent to 2-year requirement, accept prior education for broker education	Mr. Cymbaluk moved to waive the 2-year experience requirement for Ms. Karen George, and allow Ms. George to take the broker examination after she has completed the broker education course. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VI. A. Beth Ivesdal – present in person	salesperson	Mr. Breidenbach moved to approve the salesperson application from Ms. Beth Ivesdal after she provides staff with necessary official documentation that debt is paid. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VI. B. Kayla Bates – present on phone	salesperson	Mr. Cymbaluk moved to table the salesperson application from Ms. Kayla Bates for 1 year, during which time Ms. Bates must provide the commission with official documentation that debts are managed or paid. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VI. C. Karen Awender – present on phone	salesperson	Mr. Cymbaluk moved to approve the salesperson application from Ms. Karen Awender after she provides staff with official documentation that debts are managed or paid. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

NDREC Meeting – February 11, 2020

NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
VI. D. Richard Myers – not present on phone or in person	salesperson – reciprocal -- MN	Mr. Breidenbach moved to deny the reciprocal salesperson license application from Mr. Richard Myers. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
VI. E. Ashlee Kuntz – not present on phone or in person	salesperson	Mr. Cymbaluk moved to table the salesperson license application from Ms. Ashlee Kuntz for 1 year, during which time Ms. Kuntz must provide the commission with more information on debts. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer; nays – Mr. Breidenbach. Motion carried 4-1.