



North Dakota Real Estate Commission Meeting Minutes -- FINAL
8:30 a.m., Monday, April 27, 2020
Phone meeting
www.realestatend.org

Present by phone: 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 by phone.

- I. Call to order and welcome to incoming commission member Tate Cymbaluk. Chair Mr. Scott Breidenbach called the meeting to order at 8:30 a.m. He welcomed Mr. Tate Cymbaluk, who was just appointed by the governor to the commission for a term beginning July 1, 2020. Mr. Breidenbach thanked Mr. Roger Cymbaluk whose term on the commission ends June 30, 2020. All further references to Mr. Cymbaluk in these minutes are to Roger Cymbaluk.
- II. Roll call and determination of quorum. Ms. Jeanne Prom, executive director, 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 license applications. See attachment for actions on all license applications.
- V. Update on complaints.
 - A. Case 2016-25 -- Christopher Wyatt v. Susan Crockett. Mr. Cymbaluk moved to dismiss Case 2016-25. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer; nays -- Mr. Breidenbach. Motion carried 4-1.
 - B. Case 2019-11 – Erin Tolchinsky v. John Anderson and Chris Mosier. Mr. Cymbaluk moved to dismiss Case 2019-11. 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 2019-12 and 2020-01 – Terry Olin v. Mitzi Bestall. Mr. Bitz moved to dismiss Case 2019-12 and 2020-01. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - D. Case 2019-09 – Williston MLS Broker Owners v. David VanAssche. Mr. Cymbaluk moved to set Case 2019-09 for a hearing. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - E. Case 2020-02 -- Mitzi Bestall v. David VanAssche. Mr. Bitz moved that Case 2020-02 be consolidated with Case 2019-09 and set for a hearing. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
- VI. Update from management.
 - A. 2019-2020 priorities. Mr. Breidenbach stated that the priority to review statues was not included on this meeting's agenda as originally planned, because this review process

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.

should be done when the commission can convene an in-person meeting. Mr. Breidenbach said the commission will schedule a special meeting in Bismarck when commission members feel comfortable meeting in person after governor's social isolation orders expire.

B. Trust account waivers. The commission received a list of waivers.

C. Other – training, lease, audits, courtesy audits.

Training. Ms. Prom stated that commission members individually need to complete a short online Criminal Justice Information System security and awareness training, as they are users of these criminal history records. Ms. Prom will email information on the training when it is available. Training is mandated by the ND Bureau of Criminal Investigation.

Lease. Mr. Cymbaluk moved that Ms. Prom secure a lease of 1,800 square feet at 1120 College Drive, Suite 204 at \$15.50 per square foot for not less than 6 years with no escalation in lease costs; pay the one-time build-out fee of \$50,000 separately up-front; furnish the new office space with furniture at estimated cost of \$40,573; and secure another computer at \$1,800. Moving office contents and IT is estimated at \$5,000, and an estimated \$10,416 will be additional ongoing operational costs. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Ms. Meyer, Mr. Breidenbach; nays – Mr. Bitz. Motion carried 4-1.

Audits, courtesy audits. Mr. Rob Yost, CPA/auditor, reported on trust account audits and courtesy audits. Mr. Link moved that the policy of the North Dakota Real Estate Commission be to require a courtesy audit for all newly licensed firms and new designated brokers of newly licensed or existing firms within the first year of licensing or change in designated brokers. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

VII. Financial reports – February and March 2020. Mr. Cymbaluk moved to approve the financial statements from February and March 2020. Mr. Bitz seconded. Motion carried by unanimous voice vote.

VIII. Minutes – February 11, 2020 meeting. Mr. Cymbaluk moved to approve the minutes as presented from the February 11, 2020 meeting. Mr. Link seconded. Motion carried by unanimous voice vote.

IX. Any additional business. Mr. Breidenbach asked the ND Association of REALTORS® about the postponed training on the mandatory topic for this continuing education cycle. The training will be offered in a virtual format.

X. Next meeting. The next regular meeting begins at 8:30 a.m., Wednesday, June 24, 2020 in Williston. The commission plans to convene a special meeting to review statutes in Bismarck, at a date to be determined.

XI. Adjourn. Chair Breidenbach adjourned the meeting at 11:00 a.m.
Attachment



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IV. Review of license applications

NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
A. Kayla Bates – present on phone	salesperson – tabled from previous meeting	Mr. Cymbaluk moved to approve the salesperson application from Ms. Kayla Bates. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
B. Shannon Roers Jones – present on phone	broker, accept experience as substantially equivalent to 2-year requirement	Ms. Meyer moved to waive the 2-year experience requirement for Ms. Shannon Roers Jones, and allow Ms. Roers Jones to take the broker examination. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
C. Sarah Jasmer – not present	salesperson	Mr. Cymbaluk moved to approve the salesperson application from Ms. Sarah Jasmer. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
D. Erica Everson –not present	salesperson	Mr. Link moved to approve the salesperson application from Ms. Erica Everson. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
E. Trude & Jeremy Skalicky – both present on phone	both salesperson licenses	Mr. Bitz moved to approve the salesperson applications from both Ms. Trude Skalicky and Mr. Jeremy Skalicky. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
F. Timothy Cornelius – present on phone	broker – reciprocal -- MN	Mr. Link moved to approve the reciprocal broker application from Mr. Timothy Cornelius. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.