



North Dakota Real Estate Commission Meeting Minutes -- FINAL

8:30 a.m., Wednesday, June 24, 2020

Jim Haugen Training Room #216, City of Williston Public Works & Engineering
1121 5th St E, Williston, ND

For more information, call 701.328.9749

www.realestatend.org

Present: Scott Breidenbach, chair; Sandra Meyer, vice chair; members: Steven Bitz, Steven Link, Roger Cymbaluk; Tate Cymbaluk, incoming member; Constance Hofland, special assistant attorney general, legal counsel (by phone); staff: Jeanne Prom, executive director; Rob Yost, CPA/auditor. Members of the public also present in person and by phone.

- I. Call to order. Chair Mr. Scott Breidenbach called the meeting to order at 8:30 a.m. He welcomed members and guests in the room and on the phone. Mr. Breidenbach introduced Williston Mayor Howard Klug who was present to welcome the N.D. Real Estate Commission to Williston. Mr. Klug thanked the commission for meeting in Williston in its new Public Works and Engineering Building. Mr. Klug highlighted other new and refurbished buildings and new developments and infrastructure in the city, including the certified levy.
- 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. Roger Cymbaluk moved to approve the agenda with the addition of a review of 2021 errors and omissions insurance rate proposal as part of the update from management. Ms. Sandra Meyer seconded. Motion carried by unanimous voice vote.
- IV. Recognition of Mr. Roger Cymbaluk, retiring Commissioner. Mr. Breidenbach recognized Mr. Roger Cymbaluk at his final meeting after 25 years of dedicated service on the North Dakota Real Estate Commission. Mr. Breidenbach presented Mr. Cymbaluk with a framed picture of his retirement party invitation and a North Dakota flag for his years serving the state. Ms. Meyer presented Mr. Cymbaluk with a rose boutonniere. Mr. Cymbaluk thanked the commission for being a very professional, hard-working group committed to making the best, if sometimes difficult, decisions. Mr. Breidenbach recognized that Mr. Tate Cymbaluk will be officially joining the commission July 1, 2020, replacing his father. All further references to Mr. Cymbaluk in these minutes are to Roger Cymbaluk.
- V. Commissioner College certificates. Mr. Breidenbach presented certificates to Ms. Meyer and Mr. Steven Bitz, who have completed the Commissioner College courses offered by the Association of Real Estate License Law Officials.
- VI. Financial reports – April and May 2020. Mr. Rob Yost, CPA/auditor, presented the financial reports for April and May 2020. The commissioners agreed by consensus to remove the accounts receivable amounts of \$1,950 for fines and legal fees from the stipulation and settlement agreement with Ms. Tasheena Greaves. This does not nullify the combined stipulation and settlement agreement entered into with Ms. Greaves from cases 2019-01 and 2018-16. Mr. Cymbaluk moved to approve the April and May 2020 financial reports as presented. Mr. Steven Link seconded. Discussion: Mr. Yost noted that \$7,500 in credit card transaction fees in April were due to an automated phishing

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.

attempt on our payment system. Staff have updated the payment system with a captcha process requiring payees to manually verify they are not robots. Staff also adjusted the velocity filter to limit the number of transactions accepted in a day. These adjustments are designed to prevent future similar robotic phishing attempts. The two companies providing the office with credit card payment services agreed to refund approximately half of the fees incurred. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

VII. 2020-2021 draft budget and priorities. Ms. Prom presented the draft budget and priorities. Mr. Cymbaluk moved to approve the budget as presented including the one-time buildout and furnishing costs. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz; Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

VIII. Next meetings – 2020-2021. The commission agreed by consensus to meet at 1:00 p.m., Thursday, July 23, 2020 in Bismarck to discuss the statutes and set future meeting dates.

Mr. Breidenbach called a recess at 9:49 a.m. and reconvened the commission at 9:55 a.m.

IX. Update on complaints.

Ms. Connie Hofland, legal counsel, thanked Mr. Cymbaluk for his time and wisdom contributed to the commission.

A. Case 2020-03 Connie Sundby v. Micky Venable. Mr. Cymbaluk moved to dismiss Case 2020-03. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz; Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

B. Case 2020-04 Fatme Younes v. Katherine Kiernan. Mr. Link moved to dismiss Case 2020-04. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz; Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

C. Case 2019-06 Christopher Staloch v. Tyler Hofland. Ms. Hofland provided an update. She is working with Mr. Tyler Hofland on a stipulation and settlement agreement. The commission agreed by consensus that Ms. Connie Hofland would provide an update at the July 23, 2020 meeting and at that time the case would be set for a hearing if no stipulation and settlement agreement had been signed.

D. Case 2019-09 Williston MLS v. David VanAssche and Case 2020-02 Mitzi Bestall v. David VanAssche. Mr. Cymbaluk moved to amend and approve the stipulation and settlement agreement with the added requirement that Mr. David VanAssche add the broker's name to his vehicle within 30 days of the date of the Notice of Entry of the final order, and provided that Mr. VanAssche agrees with the additional term. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz; Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.

X. Review of license applications. See attachment for actions on all license applications.

XI. Update from management.

A. 2021 errors and omissions insurance. Mr. Cymbaluk moved to approve the proposal from Rice Insurance to offer annual errors and omissions insurance as required by statute for \$187 per licensee for calendar year 2021. Ms. Meyer seconded. Motion carried by unanimous voice vote.

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

C. Other -- audits. Mr. Yost reported on progress to complete trust account, courtesy, and continuing education audits.

- XII. Minutes – April 27, 2020 meeting. Mr. Link moved to approve the minutes as presented from the April 27, 2020 meeting. Mr. Bitz seconded. Motion carried by unanimous voice vote.
 - XIII. Any additional business. Mr. Cymbaluk moved that Ms. Meyer serve as chair and Mr. Bitz serve as vice chair for the 2020-2021 year. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz; Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
 - XIV. Passing the gavel. Chair Mr. Breidenbach passed the gavel to incoming Chair Ms. Meyer. Mr. Cymbaluk provided closing comments at his last meeting of 25 years as commissioner, noting that this is a great commission.
 - XV. Adjourn. Chair Breidenbach adjourned the meeting at 11:20 a.m.
- Attachment



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IV. Review of license applications (in order discussed)

NAME	LICENSE/OTHER REQUEST/S:	ACTION BY COMMISSION:
B. Bryan Conover -- present in person	salesperson	Mr. Cymbaluk moved to approve the salesperson application from Mr. Bryan Conover. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
E. Kelly Collins – present on phone	salesperson – reciprocal (MN)	Mr. Bitz moved to deny the reciprocal salesperson application from Ms. Kelly Collins. Mr. Cymbaluk seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer; nays – Mr. Breidenbach. Motion carried 4-1.
A. RaeAnne Haynes – present on phone	salesperson	Mr. Cymbaluk moved to approve the salesperson application from Ms. RaeAnne Haynes. Mr. Bitz seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
C. Summer Olson – present on phone	salesperson	Mr. Cymbaluk moved to table the salesperson application from Ms. Summer Olson for up to one year so Ms. Olson can provide the commission with official documentation that all debts are managed or paid in full. Ms. Meyer seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.
D. Marcella Girodengo -- present in person	salesperson	Mr. Cymbaluk moved to allow Ms. Marcella Girodengo to take the salesperson examination, and upon passing, Ms. Girodengo must provide staff with official documentation that the one account is now current or otherwise satisfied, before staff will issue Ms. Girodengo her license. Mr. Link seconded. Roll call vote: ayes – Mr. Cymbaluk, Mr. Link, Mr. Bitz, Ms. Meyer, Mr. Breidenbach; nays – none. Motion carried unanimously.