

December 20, 2006  
4:00 PM  
ND Real Estate Commission  
1<sup>st</sup> floor Conference Room  
200 E Main Ave  
Bismarck ND 58501

Present: Jerry Schlosser/Chair, Diane Louser/Vice Chair, Roger Cymbaluk/Member,  
Kris Sheridan/Member, Jerry Youngberg /Member, Patricia M.  
Jergenson/Secretary Treasurer, Constance Hofland/Special Assistant  
Attorney General

1. CALL MEETING TO ORDER. Chair Jerry Schlosser called the meeting to order. Roll call was taken.
2. MINUTES OF PREVIOUS MEETING. Commissioner Youngberg moved, seconded by Commissioner Sheridan to approve the minutes of November 2, 2006. M/C
3. DISCUSS ADMINISTRATIVE ASSISTANT POSITION. Chair Schlosser gave an overview of the sequence of events regarding Karla Mittleider's actions up to this point as well as the measures taken by Secretary Treasurer Jergenson, Commission members and Constance Hofland. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk for the immediate dismissal of Karla Mittleider if that is what Secretary Treasurer Jergenson chooses to do. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to table the motion on the floor. M/C Ms Hofland stated that statute indicates that it is the Commission who employs but it could also be said that the authority is with the Secretary Treasurer. Commissioner Youngberg moved, seconded by Commissioner Sheridan that the ND Real Estate Commission clarify the delegation of authority to the Secretary Treasurer to employ, supervise and terminate Commission staff and to make the necessary changes in the job descriptions of the Secretary Treasurer and staff to reflect said authority. M/C The tabled motion was brought back to the table for action. M/F
4. REQUEST FOR HEARING REGARDING DENIAL OF SALESPERSON LICENSE APPLICATION: STEVEN J. WOELLER. Stephen J. Woeller provided verification that the items that showed on his credit report as in collection are not at this time. Commissioner Sheridan moved, seconded by Commissioner Youngberg to approve Mr. Woeller to sit for the salesperson real estate examination. M/C

5. REVIEW APPLICATIONS FOR SALESPERSON LICENSE.

- a. Commissioners reviewed the application of Kendall M. Anderson for a salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to approve Ms Anderson to sit for the salesperson real estate examination if her criminal background check comes back clear. M/C
  - b. Commissioners reviewed the application of Sherisa M. Banks for a reciprocal salesperson license. Commissioner Cymbaluk moved, seconded by Commissioner Louser to deny the reciprocal salesperson license for Ms Banks due to unpaid IRS liens. M/C
  - c. Commissioners reviewed the application of Scott B. Bartels for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve Mr. Bartels to sit for the salesperson real estate examination if his criminal background check comes back clear. M/C
  - d. Commissioners reviewed the application of Denise R. Enger for a salesperson license. Commissioner Louser moved, seconded by Commissioner Youngberg to approve Ms Enger to sit for the salesperson real estate examination if her criminal background check comes back clear. M/C
  - e. Commissioners reviewed the application of Glenda M. Jennings for a salesperson license. Commissioner Louser moved, seconded by Commissioner Youngberg to approve Ms Jennings to sit for the salesperson real estate examination. M/C
  - f. Commissioners reviewed the application of Brian M. Rosenkranz for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to approve Mr. Rosenkranz to sit for the salesperson real estate examination if his criminal background check comes back clear. M/C
  - g. Commissioners reviewed the application of Jennifer L. Storbakken for a salesperson license. Commissioner Youngberg moved, seconded by Commissioner Louser to approve Ms Storbakken to sit for the salesperson real estate examination if her criminal background check comes back clear. M/C
6. REVIEW REQUEST FOR WAIVER REGARDING BROKER APPLICATION FROM JOSEPH W. JENNINGS. Commissioners reviewed the request from Joseph W. Jennings for a waiver of the requirement of being a fulltime salesperson for 2 years in order to obtain a broker's license because of his experience as a fulltime appraiser. Commissioner Cymbaluk moved, seconded by Commissioner Louser to grant Mr. Jennings the waiver of the 2 years experience providing his appraisal education requirements are current and that he has taken the education necessary to take the broker examination. M/C
7. REVIEW QUESTION #18 ON BROKER LICENSE RENEWAL FORM. Question #18 on the license renewal forms reads "Have you been engaged in any civil lawsuits or arbitration proceedings, either as the plaintiff or defendant, involving the sale of real estate during 2006 or are you now so engaged?" Staff asked if this question would require a positive response if the licensee had turned in a claim to their errors and omissions insurance – is an insurance claim considered an arbitration proceeding? Consensus is that the way the question is worded disclosure of an E&O claim would not be required but that revision of the question

on the renewal should be considered so that a licensee is required to report claims to their E&O insurance.

8. DISCUSS APPROVAL OF CONTINUING EDUCATION COURSE TO BE HELD IN ANOTHER STATE. Staff had been requested to approve an education course to be held in another state. Secretary Treasurer Jergenson had researched the issue and found that in the surrounding states this issue had never arisen and that approving a course in another state is not something a jurisdiction would do. Consensus was that our jurisdiction's responsibility is to approve only continuing education that is held in our state.
9. OTHER BUSINESS:
  - a. Secretary Treasurer Jergenson reported that approximately 45% of the 2007 license renewals have been received and processed to date.

There being no further business Chair Schlosser adjourned the meeting.

Respectfully submitted,

Patricia M. Jergenson  
Secretary Treasurer