

February 11, 2010  
8:30am CT Conference Call  
ND Real Estate Commission  
200 E Main Ave  
1<sup>st</sup> Floor Conference Room  
Bismarck ND 58501

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

1. CALL MEETING TO ORDER. Chair Kris Sheridan called the meeting to order. Roll call was taken.
2. REVIEW COMMENTS REGARDING PROPOSED AMENDMENTS TO ADMINISTRATIVE RULES. Executive Director Jergenson noted that there had not been any additional comments submitted since the January 26, 2010 Administrative Rules hearing. Commissioners discussed the correspondence received prior to the hearing involving the following issues:
  - a. Carryover of continuing education (ce) hours: carrying over ce hours from one ce cycle to another has never been allowed. Regarding a comment that fewer licensees will take a course for 15+ hours if they are not allowed to carryover hours: again, this has not been an issue before. Moni Lembke, North Dakota Association of REALTORS® (NDAR), commented at the hearing that they intend to promote and market courses for the designation and improving the service a licensee gives to their clients/customers. Jill Beck, NDAR EVP, stated that she has told members of NDAR who have called regarding carrying over of hours that if they are taking 9 hours just to get ce they are not working to improve themselves. Continuing education is not about the hours, it is about the education.
  - b. Appointed agency as a mandatory course: Commissioners discussed the need for education on agency to be ongoing and that appointed agency needs to be incorporated into an agency course. NDAR intends to caravan the mandatory course and then coop with the local boards as they always have in the past.  
Commissioner Youngberg moved, seconded by Commissioner Louser to approve the amendments to the Administrative Rules. M/C
3. REVIEW CORRESPONDENCE FROM ED SCHNAIBLE, SIGNAL REALTORS® DATED FEBRUARY 5, 2010. Ed Schnaible, broker for Signal REALTORS®, asked the Commission to grant Mona Prellwitz an extension for completing her 15 hours of post-licensing education due to health problems. Commissioner Cymbaluk moved, seconded by Commissioner Louser to honor the request submitted by Mr. Schnaible for a 6 month extension and allow the

- Executive Director to use her discretion to grant further extensions for Ms Prellwitz. M/C
4. REVIEW CORRESPONDENCE FROM NAUREEN METZ RECEIVED FEBRUARY 8, 2010 REGARDING ASSESSED LATE FEES TO HER LICENSE RENEWALS. Executive Director Jergenson noted that Ms Metz had paid her errors and omissions insurance and her board of REALTORS® fees on time. Commissioner Schlosser moved, seconded by Commissioner Louser to deny Ms Metz's request to waive the late fees. M/C
  5. UPDATE ON 2010 MANDATORY COURSE. Executive Director Jergenson shared the following items with the Commissioners: since January 26, 2010 it has been noted in the continuing education course approval letters that the mandatory course for 2010 is a 3 hour agency course with an emphasis on appointed agency and as of this meeting none of the 2010 approved online courses contain information on appointed agency. Commissioners discussed the outline for the course titled "Agency for the 21<sup>st</sup> Century" submitted by the North Dakota Association of REALTORS® (NDAR). It was the consensus that the outline fits the vision the Commission had for the mandatory class. Commissioners discussed the need to be able to have the mandatory course offered online and various solutions were discussed. At the Commission's January 26, 2010 meeting a motion had been passed to offer a \$5000 grant to be used towards the development and marketing of an online course. Staff was directed to send a notice to online course providers regarding application for the \$5000 grant, requesting the time frame required to get the course ARELLO approved and marketed, and to have the proposals submitted in time for review at the March Commission meeting.
  6. ARELLO SURVEY ON LICENSE COOPERATION. Commissioners provided their input on the ARELLO survey questions relating to a nonresident licensee entering our jurisdiction and performing licensed activities in the area of commercial and nonresidential real estate.
  7. OTHER BUSINESS:
    - a. Executive Director Jergenson suggested that Commission increase the charge of \$10 for processing a NSF check to \$25. Commissioner Schlosser moved, seconded by Commissioner Youngberg to charge whichever is greater, the fee the Commission is charged by the bank for handling a NSF check or \$25 if the bank does not charge a fee back to the Commission. M/C
    - b. Staff had received an inquiry regarding the protection of reserved buyers (prospects) and if the law has criteria for doing so. Discussion followed on the licensee being the procuring cause and being able to prove it by having identified the reserved buyers to the seller and the seller acknowledging the receipt of that information.
    - c. The next meeting of the North Dakota Real Estate Commission will be March 17, 2010.

There being no further business the meeting was adjourned.

Respectfully submitted,

Patricia M. Jergenson  
Executive Director