

January 12, 2018  
8:30 A.M.  
Conference Room  
North Dakota Real Estate Commission Office  
1110 College Drive, Suite 207  
Bismarck, ND 58501

Present: Diane Louser /Chair, Roger Cymbaluk/Vice Chair, Scott Breidenbach/Member, Jerry Schlosser/Member, Sandra Meyer/Member, Patricia M. Jergenson/Executive Director, Constance Hofland/Special Assistant Attorney General

1. CALL MEETING TO ORDER. Chair Louser called the meeting to order. Roll call was taken. Commissioner Schlosser was present in person. Commissioners Louser, Cymbaluk, Breidenbach and Meyer were present by conference call. Also present in person were Executive Director Jergenson and Special Assistant Attorney General Connie Hofland.
2. REVIEW MINUTES OF DECEMBER 12, 2017 MEETING. Commissioner Meyer moved, seconded by Commissioner Schlosser to approve the December 12, 2017 minutes as presented. M/C
3. FINANCIAL REPORT OCTOBER 2017. Executive Director Jergenson presented the financial report for October 2017. Commissioner Cymbaluk moved, seconded by Commissioner Breidenbach to approve the October 2017 financial report as presented. M/C  
Executive Director Jergenson asked the Commission to increase the hours of Sheree Raynes from 22 hours per week up to 35 hours for the remainder of the budget year, June 30, 2018. Commissioner Breidenbach moved, seconded by Commissioner Cymbaluk to approve the increase of Ms. Raynes hours up to 35 per week through the end of this budget cycle. M/C
4. TRUST ACCOUNT AUDITS WITH ISSUES: MAHLUM GOODHART PC.
  - a. Bekk's Realty, Inc. (Lori J. Lingenfelter). The recurring issue with this firm since November 2015 is there being no records available for the trust account audit. Commissioner Schlosser moved, seconded by Commissioner Meyer to file a complaint against Lori Lingenfelter, broker of Bekk's Realty. M/C  
Commissioner Cymbaluk moved, seconded by Commissioner Breidenbach to not offer fast track on this situation. M/C

- b. ERA American Real Estate (James D. Huskey). The recurring issue with this company is the use of buyer agency agreements and reconciling/tracking funds with title companies. Commissioner Breidenbach moved, seconded by Commissioner Schlosser to file a complaint against James D. Huskey, broker of ERA American Real Estate, then both amended the motion to not offer fast track on this situation. M/C
    - c. RE/MAX Bakken Realty, LLC (Mitzi S. Bestall). The recurring issue with this company is the reconciliation of earnest money held with title companies. Commissioner Breidenbach moved, seconded by Commissioner Cymbaluk to file a complaint against Mitzi S. Bestall, broker of RE/MAX Bakken Realty, LLC and allow a fast track for \$300 on this situation. M/C
    - d. Watford City Real Estate Group, LLC (Drew A. Likness). The recurring issue with this company is the reconciliation of earnest money held with title companies and tracking of earnest money records. Commissioner Schlosser moved, seconded by Commissioner Meyer to table this one until the next meeting. M/C
5. REVIEW LICENSE APPLICATIONS:
  - a. Commissioners reviewed the application of Travis D. DeVries for a reciprocal salesperson license. Mr. DeVries joined the meeting by conference call to discuss any questions the Commissioners might have. Commissioner Cymbaluk moved, seconded by Commissioner Meyer to deny Mr. DeVries' request for a reciprocal salesperson license. M/C
  - b. Commissioners reviewed the application of Mitchell J. Herian for a reciprocal salesperson license. Mr. Herian joined the meeting by conference call to discuss any questions the Commissioners might have. Commissioner Schlosser moved, seconded by Commissioner Cymbaluk to issue Mr. Herian a reciprocal salesperson license. M/C
  - c. Commissioners reviewed the application of Ross F. A. Moon for a resident salesperson license. Mr. Moon was present in the room. Commissioner Breidenbach moved, seconded by Commissioner Cymbaluk to approve Mr. Moon to sit for the salesperson examination subject to him providing verification to staff that his past due accounts on his credit report are current. M/C  
Commissioner Breidenbach moved, seconded by Commissioner Cymbaluk to file a complaint against KW Inspire Realty Keller Williams regarding unlicensed inside sales agents (ISA). M/C
6. REVIEW A REQUEST FOR WAIVER OF THE NATIONAL PORTION OF THE SALESPERSON EXAMINATION FROM CORY J. MCLINDSAY. Commissioners considered the request of Mr. McLindsay who was present in the room to discuss any questions the Commission might have. Commissioner Cymbaluk moved, seconded by Commissioner Schlosser to allow Mr. McLindsay to sit for the North Dakota portion of the salesperson exam. M/C
7. REVIEW A REQUEST FOR WAIVER OF THE TWO YEARS OF FULLTIME EXPERIENCE AS A SALESPERSON FROM WADE P. THORNTON FOR A BROKER LICENSE. Commissioners considered the request of Mr. Thornton who joined the meeting by conference call to discuss any questions the Commission might have. Commissioner Cymbaluk moved, seconded by Commissioner Schlosser to allow Mr. Thornton to sit for the broker's exam and waive the two years fulltime salesperson experience required. M/C

8. REVIEW ISSUE REGARDING NSF CHECK FROM ANGELA K. WITTE. Ms. Witte explained the situation regarding her NSF check. Executive Director Jergenson stated it is the policy to bring any NSF checks received by staff before the Commission. The Commission took no action on this item.
9. DISCUSS APPROVAL OF COMPANY WITH SIMILAR NAME. Executive Director Jergenson explained that Bruce Fuhrman would like to use the trade name “RE/MAX Signature Properties” for his company based out of Fergus Falls, Minnesota, while there is a company with a similar name, Signature Properties, Inc. based in Minot, North Dakota. Jeremy Boyce, broker for Signature Properties, Inc. is opposed to the proposed name for Mr. Fuhrman’s company. Commissioner Cymbaluk moved, seconded by Commissioner Meyer to allow Mr. Fuhrman to proceed with the tradename as requested. M/C
10. 2017 SALESPERSON EXAMINATION PASS/FAIL RATES. Executive Director Jergenson presented the pass/fail rates from the national and state exams for the period of January 1, 2017 to December 31, 2017.
11. DISCUSS SEARCH FOR NEW EXECUTIVE DIRECTOR. Executive Director Jergenson presented the draft job announcement for the new Executive Director. There was discussion between the commissioners and Ms. Jergenson relating to salary range, minimum qualifications and start date. There was also discussion relating to interview process, where and how far away to post the job opening, how the meetings would be conducted when applications are reviewed and then later when applicants are interviewed.
12. REVIEW APPROVED TRUST ACCOUNT WAIVERS. Commissioners received a report of trust account waivers granted since the December 12, 2017 meeting. A list of those waivers is attached to these minutes.
13. OTHER BUSINESS.
  - a. Executive Director Jergenson explained that a complaint had been received by some of the commissioners from Bret Ruff and some of his concerns related to staff being unavailable in the afternoon after 4:30 p.m., bringing dogs to the office and not reaching out to him personally about his license needing to be renewed. Ms. Jergenson answered questions the commissioners had about Mr. Ruff’s concerns.
  - b. Commissioner Breidenbach asked to go back and revisit Item #10 and asked if the rates are acceptable. There was discussion relating to monitoring scores, additional hours for classes, student and teacher responsibilities, responsibilities of courses versus responsibilities of supervising brokers.

There being no further business Chair Louser adjourned the meeting at 12:04 p.m. Commissioner Breidenbach moved, seconded by Commissioner Cymbaluk.

Respectfully submitted,

Kristi Hass  
Administrative Assistant