

North Dakota Real Estate Commission
October 31, 2002
1:30 PM
Conference Call

Present: Diane Louser/Chair, Roger Cymbaluk/Vice Chair, Bob Willer/Member,
Jerry Youngberg/Member, Kris Sheridan/Member, Patricia M. Jergenson/Secretary
Treasurer, Dave Reich/Legal Counsel

1. Chair Diane Louser called the meeting to order.
2. APPROVE MINUTES OF THE PREVIOUS MEETING. Commissioner Youngberg moved, seconded by Commissioner Sheridan to approve the minutes of the previous meeting as sent. M/C
3. FINANCIAL REPORT. Commissioner Sheridan moved, seconded by Commissioner Youngberg to accept the financial reports for July, August, and September 2002 as presented. M/C
4. REVIEW BILL DRAFTS FOR LEGISLATURE.
Bill draft to amend 43-23-13 & 43-23-13.1 relating to real estate broker and real estate salesperson license and renewal fees. Discussion. Commissioner Youngberg moved, seconded by Commissioner Willer to submit the proposed bill as written, with the deletion of the emergency clause, for filing. M/C
Bill draft to amend 43-23-11.1 relating to real estate broker and real estate salesperson fines and the recovery of investigation and legal fees. Discussion. Commissioner Cymbaluk moved, seconded by Commissioner Sheridan to submit the proposed bill for filing. M/C
5. UPDATE ON ERRORS AND OMISSIONS INSURANCE. The Commission received correspondence from RISC that Medmarc would no longer carry errors and omissions insurance. RISC has contracted with Continental Casualty Company to underwrite the group insurance for North Dakota. The premium will increase to \$125.
6. REVIEW FORMAL COMPLAINT CASE #2001-06 – Funk v. Ronald Schock. The Commission reviewed the formal complaint filed by Mr. and Mrs. Funk alleging that Mr. Schock acted as a dual agent and represented the Funks as sellers and Susan Koppinger and Duane Beck as buyers. This complaint was tabled earlier due to pending civil litigation. Mr. Reich recommended dismissal of the complaint based on the fact that the parties have settled their civil litigation and the Funk's reluctance to testify. It was noted that Mr. Schock has now moved out of state. Commissioner Willer moved, seconded by Commissioner Sheridan to table this complaint until more is known regarding a second complaint involving Mr. Schock which is

- currently under investigation. Discussion. M/C Mr. Reich will review the second complaint and report to the Commissioners at their next meeting.
7. REVIEW REQUEST FOR TRUST ACCOUNT WAIVER. Commissioners reviewed the request for a trust account waiver from Jeffrey Schlossman. Commissioner Sheridan moved, seconded by Commissioner Youngberg to grant the trust account waiver for Jeffrey Schlossman. M/C
 8. PROPOSAL FOR LICENSE RECOGNITION FROM THE STATE OF WASHINGTON. Discussion on the correspondence from the State of Washington Department of Licensing in which they propose a limited recognition agreement. Further research will be conducted. No action taken at this time.
 9. DISCUSS REQUIRED PAPERWORK FOR A LICENSEE/BUILDER. It was the consensus of all present that anyone who has a real estate license must disclose that they have a license and are bound by license law and agency disclosure. Brokers remain responsible for their licensees.
 10. METHOD OF DELIVERING INTERNET/COMPUTER CONTINUING EDUCATION COURSES. The Commission was asked if it would be acceptable to provide education on a CD. ARELLO has not approved this method of delivery. Further research will be conducted and reported back to the Commission.
 11. OTHER BUSINESS:
 - a. Commissioner Youngberg moved, seconded by Commissioner Cymbaluk to waive the requirement for 2 years of experience to take the broker's exam for Dorothy Martwick. M/C
 - b. Staff asked for clarification on the requirements for issuing a duplicate license. After some discussion it was suggested to request an Attorney General's opinion.
 - c. It was the consensus of those present that pre-licensing education course attendance will be accepted if it has been taken within two years from the date of the application for licensure.
 - d. It was noted that a newsletter should be sent out.
 - e. The issuing of pocket cards was discussed. The consensus was that the use of a pocket card was minimal and as a cost cutting measure they will not be issued in 2003.
 - f. It was noted to keep discussion regarding different methods to handle investigations on future agendas.
 - g. The Code of Ethics course sponsored by NDAR was approved for the continuing education (ce) cycle 2000 and again in 2002. The question posed was: Is this course acceptable for ce if taken in 2000 and again in 2002? Consensus was that it was.
 - h. A recommendation from several licensees to reduce the cost of handling complaints was discussed. The recommendation was to charge a fee for the complaint packets. It was the consensus that this would not be done.
 - i. Old business: Pre-licensing stats were reviewed as requested at the last Commission meeting. Staff was instructed to share this information with the entities providing pre-licensing education.

Commissioner Willer moved, seconded by Commissioner Youngberg to adjourn the meeting. M/C

Respectfully submitted,

Patricia M. Jergenson
Secretary Treasurer