

MEETING MINUTES
SOUTH DAKOTA REAL ESTATE COMMISSION
217 West Missouri Ave., Pierre, SD 57501
Via Microsoft Teams
Thursday, January 8, 2026, at 10:30 a.m. CST

Chairman Jason Tysdal called the meeting to order at 10:30 a.m. A quorum was present.

Members present electronically: Jason Tysdal
Josh Reisetter
Bobbie Tibbetts
Shad Ludemann
Carol Lawhun

Others present electronically: Melissa Miller, Tim Bond, Jennifer Doubledee, Jodi Aumer and Bobby Punt

Tibbetts made a motion to approve the agenda. Reisetter seconded the motion. Tysdal called for a vote. **MOTION PASSED.**

Public Comment – No comments.

Reisetter made a motion to approve the November 12, 2025, meeting minutes. Ludemann seconded the motion. Tysdal called for a vote. **MOTION PASSED.**

Miller presented a summary of the financials for November and December 2025. Lawhun moved to acknowledge receipt of the financials for filing. Reisetter seconded the motion. Tysdal called for a vote. **MOTION PASSED.**

Roll call was not taken at the beginning of the meeting so at 10:35 a.m. roll call was taken.

Ludeman made a motion to go into executive session. Tibbetts seconded the motion. Tysdal called for a vote. **MOTION PASSED.**

The commission entered executive session at 10:37 a.m.

The commission came out of executive session at 10:48 a.m.

Complaint/Consent. 2025-001

Reisetter made a motion to approve the complaint and consents. Ludemann seconded the motion. Tysdal called for a call vote. **MOTION PASSED.**

The next meeting will be scheduled for March 11, 2026.

2026 meeting date were discussed.

Lawhun made a motion to adjourn at 11:04 a.m. Tibbetts seconded the motion. Tysdal called for a vote. **MOTION PASSED.**

BAL409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 01/31/2026

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1037 REAL ESTATE COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103700069901	1140000	689,595.18	DR	REAL ESTATE COMMISSION
6503	103700069902	1140000	100,000.00	DR	REAL ESTATE COMM RECOVERY FUND
COMPANY/SOURCE TOTAL 6503 699			789,595.18	DR *	
COMP/BUDG UNIT TOTAL 6503 1037			789,595.18	DR **	
BUDGET UNIT TOTAL 1037			789,595.18	DR ***	

CENTER NAME	REAL ESTATE COMMISSION - INFO	MONTHLY	PAGE
COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	CASH BALANCE
6503-I	766,782.00	0.00	789,595.18
BUDGETED TOT	766,782.00	0.00	
ALL COMP TOT	766,782.00	0.00	

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES YEAR-TO-DATE	AVAILABLE APPROPRIATIONS	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	397,819.00	0.00	0.00	45,140.99	216,670.84	181,148.16	45.5
5102 EMPLOYEE BENEFITS	118,712.00	0.00	0.00	14,198.24	68,974.73	49,737.27	41.9
5203 TRAVEL	13,947.00	0.00	0.00	118.80	5,568.09	8,378.91	60.1
5204 CONTRACTUAL SVCS	223,989.00	0.00	16,252.51	6,541.31	43,275.70	164,460.79	73.4
5205 SUPPLIES & MATERIALS	10,000.00	0.00	0.00	377.99	3,236.23	6,763.77	67.6
5207 CAPITAL OUTLAY	2,315.00	0.00	0.00	0.00	1,768.00	547.00	23.6
TOTALS	766,782.00	0.00	16,252.51	66,377.33	339,493.59	411,035.90	53.6

BREAKOUT BY COMPANY:

COMPANY	PROFESSIONAL & LICENSING BOARDS	MONTHLY	PAGE
5101000 EMPLOYEE SALARIES	397,819.00	0.00	0.00
5102000 EMPLOYEE BENEFITS	118,712.00	0.00	0.00
5203000 TRAVEL	13,947.00	0.00	0.00
5204000 CONTRACTUAL SVCS	223,989.00	0.00	0.00
5205000 SUPPLIES & MATERIALS	10,000.00	0.00	0.00
5207000 CAPITAL OUTLAY	2,315.00	0.00	0.00
PS SUBTOTALS	516,531.00	0.00	0.00
OE SUBTOTALS	250,251.00	0.00	0.00
COMPANY 6503-I TOT	766,782.00	0.00	0.00

STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 01/31/2026

AGENCY BUDGET CENTER	UNIT	10	LABOR & REGULATION REAL ESTATE COMMISSION - INFO	COMP	6503	PROFESSIONAL & LICENSING BOARDS	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
103700069901	6503	4293700	RESIDENT RENTAL AGENTS					120.00	2,640.00
103700069901	6503	4293701	AUCTIONEER					.00	225.00
103700069901	6503	4293702	BROKER					6,075.00	29,950.00
103700069901	6503	4293703	HOME INSPECTORS					400.00	1,000.00
103700069901	6503	4293704	PROPERTY MANAGER					1,400.00	5,925.00
103700069901	6503	4293705	SALES AGENTS					900.00	4,725.00
103700069901	6503	4293707	FIRMS					1,100.00	6,325.00
103700069901	6503	4293708	CONDOMINIUMS					434.00	5,334.00
103700069901	6503	4293710	TIMESHARE PROJECTS					1,000.00	1,550.00
103700069901	6503	4293711	EDUCATIONAL COURSES					1,585.00	10,485.00
103700069901	6503	4293712	ADDITIONAL LICENSES					300.00	1,230.00
103700069901	6503	4293713	CHANGE OF ADDRESS					1,575.00	6,195.00
103700069901	6503	4293714	CERTIFICATES OF LICENSURE					285.00	2,565.00
103700069901	6503	4293715	LATE RENEWAL FEES					10,040.00	16,360.00
103700069901	6503	4293717	RENEWAL RES RENTAL AGENTS					100.00	2,450.00
103700069901	6503	4293718	RENEWAL AUCTIONEER					500.00	3,750.00
103700069901	6503	4293719	RENEWAL BROKER					35,125.00	187,940.00
103700069901	6503	4293720	HOME INSPECTION RENEWAL					500.00	3,100.00
103700069901	6503	4293721	RENEWAL PROPERTY MANAGER					2,125.00	12,500.00
103700069901	6503	4293722	RENEWAL SALES AGENTS					1,980.00	12,980.00
103700069901	6503	4293724	RENEWAL FIRMS					11,250.00	48,960.00
103700069901	6503	4293725	RENEWAL TIMESHARE PROJECT					750.00	7,760.00
103700069901	6503	4293726	RENEWAL ADDITIONAL LICENS					1,020.00	6,240.00
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)					78,564.00	380,189.00

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STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 01/31/2026

AGENCY BUDGET CENTER	UNIT	1037	LABOR & REGULATION REAL ESTATE COMMISSION - INFO	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
ACCT:	42		LICENSES, PERMITS & FEES			78,564.00	380,189.00 **
103700069901	6503	4393003	MISC FINES & PENALTIES			300.00	5,500.00
ACCT:	4393		PENALTIES (NON-GOVERNMENTAL)			300.00	5,500.00 *
ACCT:	43		FINES, FORFEITS & PENALTIES			300.00	5,500.00 **
103700069901	6503	4596002	LICENSE LAW BOOKS SOLD			.00	230.00
103700069901	6503	4596003	DIRECTORIES/HOME BUYER GU			500.00	3,430.00
ACCT:	4596					500.00	3,660.00 *
ACCT:	45		CHARGES FOR SALES & SERVICES			500.00	3,660.00 **
103700069901	6503	4910000	OPERATING TRANSFERS IN			.00	4,415.98
ACCT:	4910					.00	4,415.98 *
103700069901	6503	4920045	NONOPERATING REVENUES			.00	27,834.36
ACCT:	4920					.00	27,834.36 *
103700069901	6503	4950000	REFUND OF PRIOR YEARS EXP			1,200.14	1,200.14
ACCT:	4950					1,200.14	1,200.14 *
ACCT:	49		OTHER REVENUE			1,200.14	33,450.48 **
CNTR:	103700069901					80,564.14	422,799.48 ***
103700069902	6503	4920045	NONOPERATING REVENUES			.00	4,415.98
ACCT:	4920		NONOPERATING REVENUE			.00	4,415.98 *
ACCT:	49		OTHER REVENUE			.00	4,415.98 **
CNTR:	103700069902					.00	4,415.98 ***
COMP:	6503					80,564.14	427,215.46 ****
B UNIT:	1037					80,564.14	427,215.46 ****

Revenue Report Ending 01/31/26

(Additional Report)

Description	Budgeted	Current	Rev. to be Rec	YTD	PCT Rec.
Residential Rental Agents	5,000	120	2,360	2,640	52
Auctioneer	225	0	0	225	100
Broker	50,000	6,075	20,050	29,950	60
Home Inspectors	2,500	400	1,500	1,000	40
Property Manager	10,000	1,400	4,075	5,925	59
Sales Agents	6,000	900	1,275	4,725	79
Firms	12,000	1,100	5,675	6,325	52
Condominiums	12,000	434	6,666	5,334	44
Timeshare Projects	8,000	1,000	6,450	1,550	19
Educational Courses	18,000	1,585	7,515	10,485	58
Additional Licenses	2,000	300	770	1,230	61
Change of Address	11,000	1,575	4,805	6,195	56
Certificate of Licensure	5,000	285	2,435	2,565	51
Late Renewal Fees	24,000	10,040	7,640	16,360	68
Renewal Res Rental Agents	5,000	100	2,550	2,450	49
Renewal Auctioneer	4,000	500	250	3,750	93
Renewal Broker	195,000	35,125	7,060	187,940	96
Home Inspection Renewal	4,500	500	1,400	3,100	68
Renewal Property Manager	13,000	2,125	500	12,500	96
Renewal Sales Agents	14,000	1,980	1,020	12,980	92
Renewal Timeshare Agents	225	0	225	0	
Renewal Firms	43,000	11,250	(5,960)	48,960	113
Renewal Timeshare Project	7,000	750	(-760)	7,760	110
Renewal Additional Licenses	5,000	1,020	(-1,240)	6,240	124
Misc. Fines, Penalties and NO Rev	31,000	1,500.14	(-12,366.46)	43,366.46	140
Interest Earned					
License Law Books Sold	1,000	0	770	230	23
Directories/Lists Sold	11,000	500	7,570	3,430	31
	499,450	80,564.14	92,561 (20,326.46)	427,215.46	85

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1037 REAL ESTATE COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103700069901	1140000	667,938.21	DR	REAL ESTATE COMMISSION
6503	103700069902	1140000	100,000.00	DR	REAL ESTATE COMM RECOVERY FUND
COMPANY/SOURCE TOTAL 6503 699			767,938.21	DR *	
COMP/BUDG UNIT TOTAL 6503 1037			767,938.21	DR **	
BUDGET UNIT TOTAL 1037			767,938.21	DR ***	

AVAILABLE FUNDS AS OF: 02/28/2026
 FY YEAR REMAINING: 33.7%
 PAY DAYS REMAINING: 7
 DATE 02/28/2026

CENTER NAME	REAL ESTATE COMMISSION - INFO	MONTHLY	DATE
COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS
6503-I	766,782.00	0.00	0.00
			14,517.60
			14,517.60
BUDGETED TOT	766,782.00	0.00	14,517.60
ALL COMP TOT	766,782.00	0.00	14,517.60

TOTAL BUDGETED:

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	YEAR-TO-DATE APPROPRIATIONS	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	397,819.00	0.00	0.00	27,449.19	244,120.03	153,698.97	38.6
5102 EMPLOYEE BENEFITS	118,712.00	0.00	0.00	9,015.03	77,989.76	40,722.24	34.3
5203 TRAVEL	13,947.00	0.00	0.00	4.50	5,572.59	8,374.41	60.0
5204 CONTRACTUAL SVCS	223,989.00	0.00	14,517.60	5,379.08	48,654.78	160,816.62	71.8
5205 SUPPLIES & MATRIS	10,000.00	0.00	0.00	95.50	3,331.73	6,668.27	66.7
5207 CAPITAL OUTLAY	2,315.00	0.00	0.00	0.00	1,768.00	547.00	23.6
TOTALS	766,782.00	0.00	14,517.60	41,943.30	381,436.89	370,827.51	48.4

BREAKOUT BY COMPANY:

COMPANY	PROFESSIONAL & LICENSING BOARDS	PS SUBTOTALS	OE SUBTOTALS	COMPANY 6503-I TOT
5101000	EMPLOYEE SALARIES	397,819.00	0.00	0.00
5102000	EMPLOYEE BENEFITS	118,712.00	0.00	0.00
5203000	TRAVEL	13,947.00	0.00	0.00
5204000	CONTRACTUAL SVCS	223,989.00	14,517.60	0.00
5205000	SUPPLIES & MATRIS	10,000.00	0.00	0.00
5207000	CAPITAL OUTLAY	2,315.00	0.00	0.00
	PS SUBTOTALS	516,531.00	0.00	0.00
	OE SUBTOTALS	250,251.00	14,517.60	0.00
	COMPANY 6503-I TOT	766,782.00	14,517.60	0.00

STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 02/28/2026

AGENCY BUDGET UNIT	10 1037	LABOR & REGULATION REAL ESTATE COMMISSION - INFO						
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE			
COMPANY NO	6503	PROFESSIONAL & LICENSING BOARDS						
103700069901	6503	4293700	RESIDENT RENTAL AGENTS	360.00	3,000.00			
103700069901	6503	4293701	AUCTIONEER	.00	225.00			
103700069901	6503	4293702	BROKER	3,375.00	33,325.00			
103700069901	6503	4293703	HOME INSPECTORS	.00	1,000.00			
103700069901	6503	4293704	PROPERTY MANAGER	900.00	6,825.00			
103700069901	6503	4293705	SALES AGENTS	.00	4,725.00			
103700069901	6503	4293707	FIRMS	1,400.00	7,725.00			
103700069901	6503	4293708	CONDOMINIUMS	.00	5,334.00			
103700069901	6503	4293710	TIMESHARE PROJECTS	.00	1,550.00			
103700069901	6503	4293711	EDUCATIONAL COURSES	1,400.00	11,885.00			
103700069901	6503	4293712	ADDITIONAL LICENSES	180.00	1,410.00			
103700069901	6503	4293713	CHANGE OF ADDRESS	1,845.00	8,040.00			
103700069901	6503	4293714	CERTIFICATES OF LICENSURE	270.00	2,835.00			
103700069901	6503	4293715	LATE RENEWAL FEES	3,300.00	19,660.00			
103700069901	6503	4293717	RENEWAL RES RENTAL AGENTS	200.00	2,650.00			
103700069901	6503	4293718	RENEWAL AUCTIONEER	125.00	3,875.00			
103700069901	6503	4293719	RENEWAL BROKER	5,875.00	193,815.00			
103700069901	6503	4293720	HOME INSPECTION RENEWAL	400.00	3,500.00			
103700069901	6503	4293721	RENEWAL PROPERTY MANAGER	500.00	13,000.00			
103700069901	6503	4293722	RENEWAL SALES AGENTS	250.00	13,230.00			
103700069901	6503	4293724	RENEWAL FIRMS	.00	48,960.00			
103700069901	6503	4293725	RENEWAL TIMESHARE PROJECT	.00	7,760.00			
103700069901	6503	4293726	RENEWAL ADDITIONAL LICENS	.00	6,240.00			
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	20,380.00	400,569.00			*

AGENCY BUDGET UNIT	10 1037	LABOR & REGULATION REAL ESTATE COMMISSION - INFO				
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
ACCT: 42		LICENSES, PERMITS & FEES		20,380.00	400,569.00	**
103700069901	6503	4393003	MISC FINES & PENALTIES	2,100.00	7,600.00	*
ACCT: 4393		PENALTIES (NON-GOVERNMENTAL)		2,100.00	7,600.00	*
ACCT: 43		FINES, FORFEITS & PENALTIES		2,100.00	7,600.00	**
103700069901	6503	4596002	LICENSE LAW BOOKS SOLD	.00	230.00	
103700069901	6503	4596003	DIRECTORIES/HOME BUYER GU	530.00	3,960.00	
ACCT: 4596				530.00	4,190.00	*
ACCT: 45		CHARGES FOR SALES & SERVICES		530.00	4,190.00	**
103700069901	6503	4910000	OPERATING TRANSFERS IN	.00	4,415.98	
ACCT: 4910		OPERATING TRANSFERS IN		.00	4,415.98	*
103700069901	6503	4920045	NONOPERATING REVENUES	.00	27,834.36	
ACCT: 4920		NONOPERATING REVENUE		.00	27,834.36	*
103700069901	6503	4950000	REFUND OF PRIOR YEARS EXP	.00	1,200.14	
ACCT: 4950		REFUND OF PRIOR YEARS EXPENDITURES		.00	1,200.14	*
ACCT: 49		OTHER REVENUE		.00	33,450.48	**
CNTR: 103700069901				23,010.00	445,809.48	***
103700069902	6503	4920045	NONOPERATING REVENUES	.00	4,415.98	
ACCT: 4920		NONOPERATING REVENUE		.00	4,415.98	*
ACCT: 49		OTHER REVENUE		.00	4,415.98	**
CNTR: 103700069902				.00	4,415.98	***
COMP: 6503				23,010.00	450,225.46	****
B UNIT: 1037				23,010.00	450,225.46	*****

Revenue Report Ending 02/28/26

(Additional Report)

Description	Budgeted	Current	Rev. to be Rec	YTD	PCT Rec.
Residential Rental Agents	5,000	360	2,000	3,000	60
Auctioneer	225	0	0	225	100
Broker	50,000	3,375	16,675	33,325	66
Home Inspectors	2,500	0	1,500	1,000	40
Property Manager	10,000	900	3,175	6,825	68
Sales Agents	6,000	0	1,275	4,725	79
Firms	12,000	1,400	4,275	7,725	64
Condominiums	12,000	0	6,666	5,334	44
Timeshare Projects	8,000	0	6,450	1,550	19
Educational Courses	18,000	1,400	6,115	11,885	66
Additional Licenses	2,000	180	590	1,410	70
Change of Address	11,000	1,845	2,960	8,040	73
Certificate of Licensure	5,000	270	2,165	2,835	56
Late Renewal Fees	24,000	3,300	4,340	19,660	82
Renewal Res Rental Agents	5,000	200	2,350	2,650	53
Renewal Auctioneer	4,000	125	125	3,875	97
Renewal Broker	195,000	5,875	1,185	193,815	99
Home Inspection Renewal	4,500	400	1,000	3,500	77
Renewal Property Manager	13,000	500	0	13,000	96
Renewal Sales Agents	14,000	250	770	13,230	94
Renewal Timeshare Agents	225	0	225	0	
Renewal Firms	43,000	0	(5,960)	48,960	113
Renewal Timeshare Project	7,000	0	(-760)	7,760	110
Renewal Additional Licenses	5,000	0	(-1,240)	6,240	124
Misc. Fines, Penalties and NO Rev	31,000	2,100	(-14,466.46)	45,466.46	146
Interest Earned					
License Law Books Sold	1,000	0	770	230	23
Directories/Lists Sold	11,000	530	7,040	3,960	36
	499,450	23,010	71,651 (22,426.46)	450,225.46	90

Non-Compliance List 2026

Performing real estate brokerage activity beyond the month in which a license lapses for non-payment of renewal fees, and/or not filing/completing the required continuing education (SDCL 36-21A-61, 36-21A-62, 36-21A-64);

Richard Wieman, Broker, Parker
 Damian Weets, Broker Associate, Brookings
 Roger Tesch, Broker Associate, Watertown
 James Tesch, Broker, Watertown
 Sean Larsen, Broker Associate, Sioux Falls
 Cody Richardson, Home Inspector, Yankton
 Stacey Burke, Broker Associate, Spearfish
 Tiffany Knight, Broker Associate, Rapid City
 Christian Morgan, Broker Associate, Rapid City
 Amy Miller, Property Manager, Sioux Falls
 Evette Ventura, Broker Associate, Sioux Falls
 Matthew Krogman, Broker Associate, Brookings
 Logan Stockberger, Broker Associate, Sioux Falls
 Charlene Wells, Broker Associate, Sioux Falls
 Ryan Olson, Broker, Sioux Falls
 Chad Petit, Broker Associate, Sioux Falls
 Tammy Ackerman, Broker, Rapid City
 John Keene, Broker, Spearfish
 Nicholas Blau, Broker Associate, Sioux Falls
 Ronald Keill, Broker, Spearfish
 Daniel Logan, Broker, Rapid City
 Joe Muth, Broker Associate/Property Manager, Rapid City
 Amy Evans, Broker, Harrisburg
 Amanda Treloar, Broker Associate, Harrisburg
 Tyce Meyer, Broker Associate, Agar
 Kelly, Odegaard, Broker, Brookings
 Jerilyn Mickelson, Broker Associate, Mitchell
 Clair Marshall, Broker Associate, Sioux Falls
 Shannon Sandoval, Broker Associate, Michell
 Sara Wallinga, Broker Associate, Sioux Falls

Failure to maintain errors and omissions insurance or to provide proper notification to the commission of errors and omissions insurance (SDCL 36-21A-119, ARSD 20:69:15:02, 20:69:15:06, 20:69:15:07);

Steve Anderson, Broker, Rapid City
 Cathy Sonnenschein, Broker, Pierre
 Katrina Reuer, Broker, Bowdle
 Lewis Reuer, Broker Associate, Bowdle

11
REC – Unauthorized Activity Discussion

Our current relevant laws regarding unauthorized activity are as follows:

36-21A-28. Active license required for certain acts.

No person, unless exempted under this chapter, may offer, attempt or agree to perform, or perform any act enumerated within this **chapter without an active license issued by the commission**. No person may collect compensation as a licensee under this chapter without having first complied with the provisions of this chapter.

36-21A-87. Violation of chapter as misdemeanor.

Unless punishable under Title 22, **a person violating any of the provisions of this chapter is guilty of a Class 1 misdemeanor.**

36-21A-88. Action for compensation of unlicensed persons prohibited.

No action or suit may be instituted, nor recovery be had, in any court of this state by a person for compensation for an act done or service rendered, the doing or rendering of which is prohibited under the provisions of this chapter, to other than persons licensed under this chapter, unless such person was licensed under this chapter at the time of offering to perform the act or service or procuring a promise to contract for the payment of compensation for the contemplated act or service.

36-21A-89. Administration and enforcement of chapter--Promulgation of rules.

The commission may promulgate rules pursuant to chapter 1-26 relating to the administration and enforcement of the provisions of this chapter in the following areas:

- (1) Procedures for conducting the commission's business;
- (2) Procedures and qualifications for application, minimum requirements for examination, procedures for the examination and the administration of the examination, the required score for passing the examination, and procedures for replacement of a license;
- (3) Requirements for dividing a commission with a broker in another state, and requirements for application for licensure by reciprocity and the practice of a nonresident licensee in the state;
- (4) Procedures for application to provide classroom instruction or correspondence work for prelicensing education, qualifications of the instructors and facilities, and procedures

for approving classroom instruction and correspondence work and for withdrawing the approval;

- (5) Requirements for a real estate auction, and the requirements, duties and responsibilities of an auctioneer;
- (6) Requirements for mortgage brokers, including trust accounts, record-keeping, written contracts, full disclosure, and restrictions on chargeable costs and expenses;
- (7) Requirements for continuing education, including procedures for granting a certificate of accreditation; notification of a material change in an approved course offering; suspension, revocation and denial of course approval; notice to students regarding the course and opportunity for comment; auditing; certificates of attendance; preregistration; and limits on correspondence courses;
- (8) Requirements for property managers, including trust accounts, auditing, contracts, disclosure, disciplinary matters, financial obligations and records, and property management accounting; and
- (9) Requirements for establishing and maintaining teams and the requirements, duties, and responsibilities of team leaders.

We don't have authority to discipline unlicensed individuals other than a class 1 misdemeanor.

Our surrounding states handle unlicensed activity as follows:

Iowa:

I.C.A. § 543B.34

543B.34. Investigations by commission--licensing sanctions--civil penalty

3. If an investigation pursuant to this section reveals that an unlicensed person has assumed to act in the capacity of a real estate broker or real estate salesperson, **the commission shall issue a cease and desist order and shall impose a civil penalty of up to the greater of ten thousand dollars or ten percent of the real estate sale price.**

Minnesota:

82B.201 CRIMINAL PENALTY.

A person is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the person:

(2) performs unlicensed activities, if a license is required under this chapter; or

Nebraska:

81-885.03. Broker, associate broker, salesperson, defined; license required; cease and desist order; violation; fine; procedure.

(1) Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or performs any single act described in subdivision(2) of section 81-885.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act, and such action shall constitute sufficient contact with the state for the exercise of personal jurisdiction over such person in any action arising out of such action. Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare.

(2) Notwithstanding any other provision of the law to the contrary, **the director may issue a cease and desist order against any person who violates this section by performing any action described in subsection (1) of this section without the appropriate license.** Such order shall be final ten days after issuance unless the violator requests a hearing pursuant to section 81-885.25.

(3) **If such person violates a cease and desist order** issued pursuant to this section, he or she shall be subject to further proceedings before the commission. **If, during such proceedings, the commission makes a finding of guilt, the commission may impose a fine not to exceed (a) one thousand dollars for each day that any action is performed without the appropriate license following the issuance of the order or (b) the amount of all money earned as commission by the violator, whichever is greater.** Judgments for the collection of any fine imposed under this section may be filed in the district court of any county in this state.

North Dakota:

NDCC, 43-23-05

§ 43-23-05. Real estate license required

A person may not act as a real estate broker or real estate salesperson or advertise or assume to act as a real estate broker or real estate salesperson, without a license issued by the real estate commission. A person is not entitled to collect any fees, compensation, or commission as a real estate broker or real estate salesperson without having first

complied with the provisions of this chapter. A copartnership, association, corporation, or limited liability company may not be granted a license, unless at least one partner, shareholder, member, manager, or officer of the copartnership, association, corporation, or limited liability company, actually engaged as a real estate broker, holds a license as a real estate broker, and unless every employee who acts as a real estate salesperson for the copartnership, association, corporation, or limited liability company holds a license as a real estate salesperson.

§ 43-23-17. Penalty

Any person violating section 43-23-05 is guilty of a class B misdemeanor.

Wyoming:

§ 33-28-114. Conducting business without license prohibited; penalties; civil liability

(a) Any individual performing real estate activity without first obtaining a license is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment in the county jail for a term not to exceed six (6) months. Upon conviction of a subsequent violation the individual shall be punished by a fine of not more than five thousand dollars (\$5,000.00) or by imprisonment in the county jail for a term not to exceed one (1) year or both. If a corporation, partnership or association is convicted it shall be punished by a fine of not more than five thousand dollars (\$5,000.00).

(b) If any person receives any money or the equivalent thereof as a fee, compensation or profit by or in consequence of a violation of any provision of this act, he shall, in addition, be liable to a penalty of not less than the amount of the sum of money so received and not more than three (3) times the sum so received as may be determined by the court, which penalty may be recovered in a court of competent jurisdiction by any person aggrieved.