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**MEETING MINUTES**  
**SOUTH DAKOTA REAL ESTATE COMMISSION**  
217 West Missouri Ave., Pierre, SD 57501  
Via Microsoft Teams  
Monday, September 30, 2024, at 10 a.m. CDT

Chairman Carol Lawhun called the meeting to order at 10:00 a.m. A quorum was present.

**Members Present:** Carol Lawhun  
Jason Tysdal  
Shad Ludemann  
Bobbie Tibbetts

**Member Absence:** Josh Reisetter

**Others Present:** Melissa Miller, Tim Bond, Jodi Aurner, Kiira Weber, and Francesca Tracy.

Tysdal made a motion to approve the agenda by combining agenda item 11 with agenda item 6. Ludemann seconded the motion. Lawhun called for a vote. **MOTION PASSED.**

Public Comment – No comments.

Tysdal made a motion to approve the July 11, 2024, meeting minutes. Ludemann seconded the motion. Lawhun called for a vote. **MOTION PASSED.**

Miller presented a summary of the financials for July and August 2024. Tysdal made a motion to acknowledge receipt of the financials for filing. Ludemann seconded the motion. Lawhun called for a vote. **MOTION PASSED.**

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

The commission entered executive session at 10:15 a.m.

The commission came out of executive session at 10:30 a.m.

**Complaint 2023-034**

Tysdal made motion to approve consent agreement 2023-034. Ludemann seconded the motion. Lawhun called for a vote. **MOTION PASSED.**

**Complaint 2023-035**

Tibbetts made motion to approve consent agreement 2023-035. Tysdal seconded the motion. Lawhun called for a vote. **MOTION PASSED.**

**Complaint 2024-002**

Tysdal made a motion to table the complaint number 2024-002. Ludemann seconded the motion. Lawhun called for a vote. **MOTION PASSED.**

Miller shared information that the possible fee increase will not happen this year and explained that it was because the commission's fund balance is too high to justify a fee increase.

Miller reminded the commissioners that renewal starts Tuesday, October 1.

There was a discussion on the NAR Lawsuit and to look at our agreements in regard to making it clear that commissions are negotiable.

Tysdal and Tibbetts updated us all on the ARELLO 2024 Annual Conference that they just attended.

The next meeting is Thursday, November 7.

Tysdal made a motion to adjourn at 10:55 a.m. Ludemann seconded the motion. Lawhun called for a vote. **MOTION PASSED.**

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BA1409R1

STATE OF SOUTH DAKOTA  
CASH CENTER BALANCES  
AS OF: 09/30/2024

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

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	1037000699BA	1140000	352.09	CR	REAL ESTATE/COSMO/BARBER
6503	103700069901	1140000	595,038.51	DR	REAL ESTATE COMMISSION
6503	103700069902	1140000	104,155.19	DR	REAL ESTATE COMM RECOVERY FUND
COMPANY/SOURCE TOTAL 6503 699			698,841.61	DR *	
COMP/BUDG UNIT TOTAL 6503 1037			698,841.61	DR **	
BUDGET UNIT TOTAL 1037			698,841.61	DR ***	

BUDGET UNIT 1037

AVAILABLE FUNDS  
AS OF: 09/30/2024  
FY YEAR REMAINING: 75.18  
PAY DAYS REMAINING: 18

DATE 09/28/2024

CENTER NAME	REAL ESTATE COMMISSION - INFO	COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	709,653.00		709,653.00	0.00	0.00	12,104.61	125,672.76	571,875.63	699,193.70
BUDGETED TOT	709,653.00		709,653.00	0.00	0.00	12,104.61	125,672.76	571,875.63	
ATT COMP TOT	709,653.00		709,653.00	0.00	0.00	12,104.61	125,672.76	571,875.63	
TOTAL BUDGETED:									

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES	EXPENDITURES YEAR-TO-DATE	BUDGET AVAILABLE	PCF AVL
5101 EMPLOYEE SALARIES	358,130.00	0.00	0.00	12,541.49	82,748.63	275,381.37	76.9
5102 EMPLOYEE BENEFITS	103,449.00	0.00	0.00	4,139.75	26,086.52	77,362.48	74.8
5203 TRAVEL	43,947.00	0.00	0.00	1,121.20	1,526.75	42,420.25	96.5
5204 CONTRACTUAL SVCS	175,312.00	0.00	12,104.61	4,320.82	12,654.74	150,552.65	85.9
5205 SUPPLIES & MATERIALS	26,500.00	0.00	0.00	867.34	2,460.17	24,039.83	90.7
5207 CAPITAL OUTLAY	2,315.00	0.00	0.00	0.00	195.95	2,119.05	91.5
TOTALS	709,653.00	0.00	12,104.61	21,990.60	125,672.76	571,875.63	80.6

BREAKOUT BY COMPANY:

COMPANY	6503-I	PROFESSIONAL & LICENSING BOARDS	PS SUBTOTALS	OE SUBTOTALS	COMPANY 6503-I	TOP
5101000	EMPLOYEE SALARIES	358,130.00	0.00	0.00	461,579.00	0.00
5102000	EMPLOYEE BENEFITS	103,449.00	0.00	0.00	248,074.00	0.00
5203000	TRAVEL	43,947.00	0.00	0.00	709,653.00	0.00
5204000	CONTRACTUAL SVCS	175,312.00	0.00	12,104.61		
5205000	SUPPLIES & MATERIALS	26,500.00	0.00	0.00		
5207000	CAPITAL OUTLAY	2,315.00	0.00	0.00		
	PS SUBTOTALS	461,579.00	0.00	0.00		
	OE SUBTOTALS	248,074.00	0.00	0.00		
	COMPANY 6503-I	709,653.00	0.00	0.00		

AGENCY BUDGET UNIT	CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE
10				LABOR & REGULATION		
1037				REAL ESTATE COMMISSION - INFO		
	COMPANY NO	6503				
	COMPANY NAME			PROFESSIONAL & LICENSING BOARDS		
103700069901		6503	4293700	RESIDENT RENTAL AGENTS	360.00	1,200.00
103700069901		6503	4293702	BROKER	4,050.00	12,375.00
103700069901		6503	4293703	HOME INSPECTORS	200.00	200.00
103700069901		6503	4293704	PROPERTY MANAGER	900.00	1,575.00
103700069901		6503	4293705	SALES AGENTS	225.00	1,350.00
103700069901		6503	4293707	FTMS	1,600.00	3,500.00
103700069901		6503	4293708	CONDOMINIUMS	4,804.90	4,804.90
103700069901		6503	4293710	TIMESHARE PROJECTS	1,575.00	3,575.00
103700069901		6503	4293711	EDUCATIONAL COURSES	1,720.00	2,745.00
103700069901		6503	4293712	ADDITIONAL LICENSES	120.00	300.00
103700069901		6503	4293713	CHANGE OF ADDRESS	870.00	1,890.00
103700069901		6503	4293714	CERTIFICATES OF LICENSURE	165.00	840.00
103700069901		6503	4293715	LATE RENEWAL FEES	.00	140.00
103700069901		6503	4293719	RENEWAL BROKER	.00	125.00
ACCT: 4293				BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	16,589.90	34,619.90
ACCT: 42				LICENSES, PERMITS & FEES	16,589.90	34,619.90
103700069901		6503	4393003	MISC FINES & PENALTIES	.00	554.52
ACCT: 4393				PENALTIES (NON-GOVERNMENTAL)	.00	554.52
ACCT: 43				FINES, FORFEITS & PENALTIES	.00	554.52
103700069901		6503	4596002	LICENSE LAW BOOKS SOLD	30.00	130.00
103700069901		6503	4596003	DIRECTORIES/HOME BUYER GU	750.00	2,050.00
ACCT: 4596					780.00	2,180.00
ACCT: 45				CHARGES FOR SALES & SERVICES	780.00	2,180.00
103700069901		6503	4920045	NONOPERATING REVENUES	.00	26,057.03

STATE OF SOUTH DAKOTA  
 REVENUE SUMMARY BY BUDGET UNIT  
 FOR PERIOD ENDING: 09/30/2024

AGENCY BUDGET UNIT	10 1037	LABOR & REGULATION REAL ESTATE COMMISSION - INFO				
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
ACCT: 4920			NONOPERATING REVENUE	.00	26,057.03	*
ACCT: 49			OTHER REVENUE	.00	26,057.03	**
CNTR: 103700069901				17,369.90	63,411.45	***
103700069902	6503	4920045	NONOPERATING REVENUES	.00	4,155.19	
ACCT: 4920			NONOPERATING REVENUE	.00	4,155.19	*
ACCT: 49			OTHER REVENUE	.00	4,155.19	**
CNTR: 103700069902				.00	4,155.19	***
COMP: 6503				17,369.90	67,566.64	****
B UNIT: 1037				17,369.90	67,566.64	*****

Revenue Report Ending 9/30/24

(Additional Report)

Description	Budgeted	Current	Rev. to be Rec	YTD	PCT Rec.
Residential Rental Agents	4,000	360	2,800	1,200	30
Broker	50,000	4,050	37,625	12,375	24
Home Inspectors	3,500	200	3,300	200	5
Property Manager	10,000	900	8,425	1,575	15
Sales Agents	6,500	225	5,150	1,350	20
Firms	15,000	1,600	11,500	3,500	23
Condominiums	14,000	4,804.90	9,195.10	4,804.90	34
Timeshare Projects	5,000	1,575	1,425	3,575	71
Educational Courses	15,000	1,720	12,255	2,745	18
Additional Licenses	2,000	120	1,700	300	15
Change of Address	10,000	870	8,110	1,890	18
Certificate of Licensure	5,000	165	4,160	840	16
Late Renewal Fees	22,000	0	21,860	140	0
Renewal Res Rental Agents	4,000	0	4,000	0	
Renewal Auctioneer	2,000	0	2,000	0	
Renewal Broker	190,000	0	189,875	125	0
Home Inspection Renewal	6,000	0	6,000	0	
Renewal Property Manager	12,000	0	12,000	0	
Renewal Sales Agents	14,000	0	14,000	0	
Renewal Timeshare Agents	225	0	225	0	
Renewal Firms	45,000	0	45,000	0	
Renewal Timeshare Project	5,000	0	5,000	0	
Renewal Additional Licenses	5,000	0	5,000	0	
Misc. Fines, Penalties and NO Rev	25,000	0	(5,776.74)	30,766.74	123
Interest Earned					
License Law Books Sold	1,000	30	870	130	13
Directories/Lists Sold	10,000	750	7,950	2,050	20
	481,225	17,369.90	419,425.10	67,566.64	14
			(-5,776.74)		

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

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	10370006999BA	1140000	352.09	CR	REAL ESTATE/COSMO/BARBER
6503	1037000699901	1140000	626,058.79	DR	REAL ESTATE COMMISSION
6503	1037000699902	1140000	104,155.19	DR	REAL ESTATE COMM RECOVERY FUND
COMPANY/SOURCE TOTAL 6503 699			729,861.89	DR *	
COMP/BUDG UNIT TOTAL 6503 1037			729,861.89	DR **	
BUDGET UNIT TOTAL 1037			729,861.89	DR ***	



BUDGET UNIT 1037

AVAILABLE FUNDS  
AS OF: 10/31/2024  
FY YEAR REMAINING: 66.7%  
PAY DAYS REMAINING: 16

CENTER NAME	REAL ESTATE COMMISSION - INFO	COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	709,653.00		0.00	0.00	10,244.32	170,146.25	529,262.43	730,213.98	
BUDGETED TOT	709,653.00		0.00	0.00	10,244.32	170,146.25	529,262.43		
ALL COMP TOT	709,653.00		0.00	0.00	10,244.32	170,146.25	529,262.43		
TOTAL BUDGETED:									

OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	MONTHLY EXPENDITURES YEAR-TO-DATE	BUDGET AVAILABLE	PCT AVL
5101 EMPLOYEE SALARIES	358,130.00	0.00	0.00	29,582.55	112,331.18	68.6
5102 EMPLOYEE BENEFITS	103,449.00	0.00	0.00	8,742.08	34,828.60	66.3
5203 TRAVEL	43,947.00	0.00	0.00	99.20	1,625.95	96.3
5204 CONTRACTUAL SVCS	175,312.00	0.00	10,244.32	5,339.30	17,994.04	83.9
5205 SUPPLIES & MATRIS	26,500.00	0.00	0.00	710.36	3,170.53	88.0
5207 CAPITAL OUTLAY	2,315.00	0.00	0.00	0.00	195.95	91.5
TOTALS	709,653.00	0.00	10,244.32	44,473.49	170,146.25	74.6

BREAKOUT BY COMPANY:

COMPANY	6503-I PROFESSIONAL & LICENSING BOARDS	PS SUBTOTALS	OE SUBTOTALS	COMPANY 6503-I TOT
5101000	EMPLOYEE SALARIES	461,579.00	248,074.00	709,653.00
5102000	EMPLOYEE BENEFITS			
5203000	TRAVEL			
5204000	CONTRACTUAL SVCS			
5205000	SUPPLIES & MATRIS			
5207000	CAPITAL OUTLAY			
	PS SUBTOTALS	461,579.00	248,074.00	709,653.00
	OE SUBTOTALS		248,074.00	
	COMPANY 6503-I TOT			709,653.00

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					
COMPANY NAME	6503						
103700069901	6503	4293700	RESIDENT RENTAL AGENTS	240.00	1,440.00		
103700069901	6503	4293702	BROKER	2,475.00	14,850.00		
103700069901	6503	4293703	HOME INSPECTORS	200.00	400.00		
103700069901	6503	4293704	PROPERTY MANAGER	1,350.00	2,925.00		
103700069901	6503	4293705	SALES AGENTS	675.00	2,025.00		
103700069901	6503	4293707	FIRMS	1,500.00	5,000.00		
103700069901	6503	4293708	CONDOMINIUMS	.00	4,804.90		
103700069901	6503	4293710	TIMESHARE PROJECTS	.00	3,575.00		
103700069901	6503	4293711	EDUCATIONAL COURSES	1,150.00	3,895.00		
103700069901	6503	4293712	ADDITIONAL LICENSES	120.00	420.00		
103700069901	6503	4293713	CHANGE OF ADDRESS	885.00	2,775.00		
103700069901	6503	4293714	CERTIFICATES OF LICENSURE	525.00	1,365.00		
103700069901	6503	4293715	LATE RENEWAL FEES	.00	140.00		
103700069901	6503	4293717	RENEWAL RES RENTAL AGENTS	900.00	900.00		
103700069901	6503	4293718	RENEWAL AUCTIONEER	250.00	250.00		
103700069901	6503	4293719	RENEWAL BROKER	39,250.00	39,375.00		
103700069901	6503	4293720	HOME INSPECTION RENEWAL	1,100.00	1,100.00		
103700069901	6503	4293721	RENEWAL PROPERTY MANAGER	4,000.00	4,000.00		
103700069901	6503	4293722	RENEWAL SALES AGENTS	2,250.00	2,250.00		
103700069901	6503	4293724	RENEWAL FIRMS	17,375.00	17,375.00		
103700069901	6503	4293725	RENEWAL TIMESHARE PROJECT	3,325.00	3,325.00		
103700069901	6503	4293726	RENEWAL ADDITIONAL LICENS	1,020.00	1,020.00		
ACCT: 4293			BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)	78,590.00	113,209.90		*
ACCT: 42			LICENSES, PERMITS & FEES	78,590.00	113,209.90		**

STATE OF SOUTH DAKOTA  
 REVENUE SUMMARY BY BUDGET UNIT  
 FOR PERIOD ENDING: 10/31/2024

AGENCY BUDGET UNIT	10 1037	LABOR & REGULATION REAL ESTATE COMMISSION - INFO					
CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE		
	103700069901	6503	4393003 MISC FINES & PENALTIES	.00	554.52		
ACCT:	4393		PENALTIES (NON-GOVERNMENTAL)	.00	554.52	*	
ACCT:	43		FINES, FORFEITS & PENALTIES	.00	554.52	**	
	103700069901	6503	4596002 LICENSE LAW BOOKS SOLD	200.00	330.00		
	103700069901	6503	4596003 DIRECTORIES/HOME BUYER GU	270.00	2,320.00		
ACCT:	4596			470.00	2,650.00	*	
ACCT:	45		CHARGES FOR SALES & SERVICES	470.00	2,650.00	**	
	103700069901	6503	4920045 NONOPERATING REVENUES	.00	26,057.03		
ACCT:	4920		NONOPERATING REVENUE	.00	26,057.03	*	
ACCT:	49		OTHER REVENUE	.00	26,057.03	**	
CNTR:	103700069901			79,060.00	142,471.45	***	
	103700069902	6503	4920045 NONOPERATING REVENUES	.00	4,155.19		
ACCT:	4920		NONOPERATING REVENUE	.00	4,155.19	*	
ACCT:	49		OTHER REVENUE	.00	4,155.19	**	
CNTR:	103700069902			.00	4,155.19	***	
COMP:	6503			79,060.00	146,626.64	****	
B UNIT:	1037			79,060.00	146,626.64	*****	

Revenue Report Ending 10/31/24

(Additional Report) Description	Budgeted	Current	Rev. to be Rec	YTD	PCT Rec.
Residential Rental Agents	4,000	240	2,560	1,440	36
Broker	50,000	2,475	35,150	14,850	29
Home Inspectors	3,500	200	3,100	400	11
Property Manager	10,000	1,350	7,075	2,925	29
Sales Agents	6,500	675	4,475	2,025	31
Firms	15,000	1,500	10,000	5,000	33
Condominiums	14,000	0	9,195.10	4,804.90	34
Timeshare Projects	5,000	0	1,425	3,575	71
Educational Courses	15,000	1,150	11,105	3,895	25
Additional Licenses	2,000	120	1,580	420	21
21 Change of Address	10,000	885	7,225	2,775	27
Certificate of Licensure	5,000	525	3,635	1,365	27
Late Renewal Fees	22,000	0	21,860	140	0
Renewal Res Rental Agents	4,000	900	3,100	900	22
Renewal Auctioneer	2,000	250	1,750	250	12
Renewal Broker	190,000	39,250	150,625	39,375	20
Home Inspection Renewal	6,000	1,100	4,900	1,100	18
Renewal Property Manager	12,000	4,000	8,000	4,000	33
Renewal Sales Agents	14,000	2,250	11,750	2,250	16
Renewal Timeshare Agents	225	0	225	0	0
Renewal Firms	45,000	17,375	27,625	17,375	38
Renewal Timeshare Project	5,000	3,325	1,675	3,325	66
Renewal Additional Licenses	5,000	1,020	3,980	1,020	20
Misc. Fines, Penalties and NO Rev	25,000	0	(5,776.74)	30,766.74	123
Interest Earned					
License Law Books Sold	1,000	200	670	330	33
Directories/Lists Sold	10,000	270	7,680	2,320	23
	481,225	79,060	340,365.10	146,626.64	30
			(-5,776.74)		

#6

**Since the 1<sup>st</sup> of the year:**

- We have processed 351 new applications.
- Commission has approved 3 complaints and 1 dismissal.
- We have Issued 24 consent agreement for unlicensed activity.
- We have 5 rejected complaints for lack of information.

We currently have 3,876 active licenses and 1,182 active firms.

**Complaints since January 1, 2019:**

Total number of complaints is 305.

Total number of suspensions and revocations: 1 suspension and 3 revocations.

Consent agreements issued for unlicensed activity is 282. Licensees received a fine in the range of \$100 to \$500.

## **Proposed 2025 Real Estate Commission Meeting Dates**

January 7-8

March 12-13

May 14-15

July 16-17

September 17-18

November 12-13

### **Events:**

ARELLO Mid-Year Meeting – April 14-16 in San Diego, California

ND/SD Convention – September 10-12 in Rapid City, SD

ARELLO Annual Meeting – September 9-12 in Miami, Florida