

Meeting Minutes
REAL ESTATE COMMISSION
501 Main Street
Deadwood, SD 57732
September 12, 2019 9:00 a.m. MDT

Chairman Ryan Wordeman called the meeting to order at 9:02 a.m. A quorum was participating.

Members Present: Ryan Wordeman
Mark Wahlstrom
Ken Cotton (Telephonically)
Carol Lawhun

Members Absent: Dave Bonde

Others Present: Melissa Miller, Executive Director, SDREC
Cindy Nickels, Licensing Administrator, SDREC (Telephonically)
Michelle Metzinger, Compliance Officer, SDREC (Telephonically)
Tim Bond, Compliance Officer, SDREC (Telephonically)
Graham Oey, Staff Attorney, South Dakota Department of Labor and Regulation (Telephonically)
Matt Krogman, Century 21 Krogman & Company
Mike Bornitz, Cutler Law Firm, LLP and Achieve Realty and Property Management, LLC (Telephonically)
Faith Wendt, Coldwell Banker Black Hills Legacy Real Estate
Connie Bornitz
Harlan Greckel

Wahlstrom made a motion to approve the agenda. Lawhun seconded the motion. Wordeman called for a roll call vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

Public Comment – None.

Wahlstrom made motion to approve the meeting minutes with correction on third page spelling of Wordeman and to note that Bonde made a motion to cease nominations and cast a unanimous ballot. Cotton seconded the motion. Wordeman called for a vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

Summary of the financials for July and August was presented by Director Miller. Wahlstrom made a motion to acknowledge receipt July/August financials and to file. Lawhun seconded the motion. Wordeman called for a roll call vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

Lawhun made a motion to enter executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel. Cotton seconded the motion. Wordeman called for a roll call vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

The commission entered executive session at 9:11 a.m.

Nickels, Metzinger, Bond, Wendt, Bornitz and Greckel left the meeting at 9:11 a.m.

Nickels, Metzinger, Bond, Wendt and Bornitz rejoined meeting at 9:23 a.m.

The commission came out of executive session at 9:23 a.m.

Complaint 2019-112

Lawhun made a motion to approve complaint 2019-112. Cotton seconded the motion. Wordeman called for a roll call vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

Complaint 2019-120

Wahlstrom made a motion to approve complaint 2019-120. Cotton seconded the motion. Wordeman called for a roll call vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

Mike Bornitz joined meeting telephonically at 9:25 a.m.

Discussion was held on Declaratory Ruling. Wahlstrom made a motion to table decision for Declaratory Ruling until next meeting and to give counsel 30 days from today to file any additional information. Lawhun seconded motion. Wordeman called for a roll call vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

Mike Bornitz and Connie Bornitz left meeting at 10:02 a.m.

Wordeman put the commission at ease at 10:02 a.m.

Meeting resumed at 10:12 a.m.

Matt Krogman joined meeting at 10:12 a.m.

A discussion was held about the team draft rule addition. Wahlstrom made motion that Chapter 20 should be amended to add a new section 20-69-18:01 under a new chapter 20-69-18. Cotton seconded the motion. Wordeman called for a vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

A discussion was held about SDRA Draft Property Condition Disclosure Statement.

Other Business: A discussion was held regarding statue SDCL 36-21A-52. Registration of place of business – Change of location and ARSD 20-69-05-01. Complaints authorized – Procedure for filing – Electronic filing. More discussion will be held at the November meeting.

Graham Oey left the meeting at 10:34 a.m.

Next meeting will be November 13, 2019.

Wahlstrom made a motion to adjourn the meeting at 10:46 a.m. Cotton seconded the motion. Wordeman called for a vote. **MOTION PASSED.** (Wahlstrom – yea; Cotton – yea; Lawhun – yea; Wordeman – yea)

Meeting Adjourned.

DRAFT