

**FULL BOARD MEETING MINUTES
BOARD OF REALTY REGULATION
301 S. Park, Helena MT
ZOOM MEETING
10:03 a.m. to 1:03 p.m.
January 7, 2021**

Due to the COVID-19 health emergency, all board meeting will be held by conference call. No outside participants or stakeholders will be allowed access in the building. Please attend by phone.

1. Call To Order - Establish Quorum - Introduction of Board & Staff Members Present (00:00:05)

Mr. Ric Smith, Chair, called the meeting to order at 10:03 a.m.

Board Members Present:

Mr. Ric Smith
Mr. Dan Wagner
Mr. Kevin Wetherell
Ms. Julie Gardner
Ms. Lindsey Hromadka
Mr. Josh Peck

Staff Present:

Ms. Rhonda Morgan, Executive Officer
Ms. Jennifer Stallkamp, Board Counsel
Ms. Barb McAlmond, Administrative Specialist
Mr. Todd Younkin, Division Administrator

Others Present:

Ms. Danielle Kinyon
Mr. Sam Sill
Mr. Mike Nugent
Mr. Kaaren Winkler
Ms. Mikala Taylor
Mr. Jaymie Bowditch

2. Approval and Tentative Modification of Agenda Order (00:03:31)

Motion: (00 05:20) Mr. Dan Wagner moved to approve the agenda as amended. The motion carried.

3. Review Minutes (00:05:34)

4. Public Opportunity to Comment (00:05:48)

(Presiding Officer Statement) "Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board that is not on the agenda of this meeting. While the Board cannot take action on any issues presented, the board will listen to comments and may ask staff to place the issue on a subsequent agenda. The presiding officer may limit the comment period in order to proceed with the board meeting."

5. Department Update (01:24:09) Todd Younkin. -FYI-No board action required.

6. Board Action (00:08:17)

a. Non-routine Applications (00:08:20)

i. Danielle Kinyon – Salesperson (00:08:22)

Motion: (00:32:03) Mr. Dan Wagner moved to deny Ms. Kinyon's application.

Motion: (00:36:41) Mr. Dan Wagner moved to withdraw his motion and moved to approve Ms. Kinyon's application for a probationary license with quarterly reports submitted to the board from her probation officer that she is in compliance with her criminal sentence and her reporting duties and quarterly reports from her supervising broker her adherence to the laws and regulations governing of the Board of Realty Regulation. The motion carried.

ii. Angel Viren – Salesperson (00:41:00)

Motion: (00:48:37) Mr. Dan Wagner moved to deny Mr. Viren's application based on **MCA 37.1.316 (7)**. The motion carried.

iii. Mikala Taylor – Salesperson (00:50:15)

Motion: (00:56:34) Mr. Kevin Wetherell moved to approve Ms. Taylor's application for a probationary license based on **MCA 37.51.321 (1)(t)** with quarterly reports from her probation officer and supervising broker until she has completed her criminal sentence. The motion carried.

b. Failure to Get Rookie Course prior to 10/31/2020 (01:00:17)

- i. Plan for Remedy- Motion: (01:17:58)** Mr. Dan Wagner moved to support a special rookie course and to financially support an unpaid balance or an overreach and direct staff to research the standard of the regular cost and negotiations with the instructor for the overall coverage of the course. The motion carried.

c. Continuing Education Audit – Set Percentage (01:20:59)

Motion: (01:22:33) Mr. Dan Wagner moved to audit 1% of licensees for the continuing education audit. The motion carried.

d. Rulemaking (01:32:29)

- i. Discuss BSD Procedure 3.10 Applicants with Criminal Convictions Implementation and Associated Rulemaking (01:32:41)**

1. Executive Summary (01:34:18)

2. Criminal Conviction Reporting and Processing Matrix (01:35:30)

3. Division Rules on Criminal Convictions, ARM 24.101.402 & 406; effective 11/21/2020 (01: 35:46)

4. Review Draft Board Rule Language - discussion and possible motions

a. ARM 24.210.301 DEFINITIONS

b. ARM 24.210.418 NONROUTINE APPLICATIONS

c. NEW RULE I APPLICANTS WITH CRIMINAL CONVICTIONS

Motion: (01:42:15) Mr. Dan Wagner moved to amend ARM 24.210.301 and 24.210.418 and adopt New Rule 1 as proposed, and if no public comments are received to proceed with the adoption of the rules. The motion carried.

5. Small Business Impact Determinations-(01:43:50)

Motion: (01:44:28) Mr. Kevin Wetherell moved there would be no direct or significant impact on Montana small businesses with the proposed rules changes to ARM 24.210.301 and 24.210.418 and adoption of New Rule 1. The motion carried.

- ii. Supervising Broker Supervision – Propose New Rule (01:45:17)**

1. MAR Findings and Language Suggestions

e. Legislation (02:15:08)

- i. LC1165 – A bill to clarify that inactive licensees do not need E&O insurance – MAR**

Motion: (02:22:38) Mr. Dan Wagner moved the board be in support of LC1165. The motion carried.

Motion: (02:26:35) Mr. Kevin Wetherell moved to appoint Mr. Ric Smith to testify at legislation with Mr. Dan Wagner as backup. The motion carried.

7. Board Discussion (02:27:07)

- a. Review Disciplinary Matrix -This will be placed on the April 2021 agenda for further discussion and possible board action.

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8. Schedule Next Board Meeting (02:41:29)

- April 28, 2021-Screening Panel
- April 29, 2021-Adjudication Panel & Full Board

9. Committee Reports- (02:43:01) FYI-No board action required.

- a. Screening Panel Report
- b. Adjudication Panel Report

10. Executive Officer Report -FYI-No board action required. (02:44:20)

- a. Financials (02:33:30)
- b. License Numbers (02:46:30)

11. Legal Report -FYI- (02:48:34) No board action required.

12. Adjourn: (00:02:49:15) Mr. Ric Smith adjourned the meeting at 1:03 p.m.

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New agenda items may be added or removed up to "three business days" before the meeting. For the most accurate agenda, please consult the website at www.realestate.mt.gov. The board may reorder the agenda at the beginning of the meeting.