

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
January 21, 2016**

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at 575 E. Parkcenter Blvd., Suite 180, Boise, Idaho on Thursday, January 21, 2016 at 8:30 a.m.

Commission Members Present:

Mike Gamblin, Vice Chair, Boise
Michael James Johnston, Member, Idaho Falls
Kathy Weber, Member, Moscow
Marvis Brice, Chair, Burley (participated in portions of the meeting by telephone)
Comprising a quorum of the Commission

Members Absent:

Staff Present:

Jeanne Jackson-Heim, Executive Director
MiChell Bird, Licensing & Education Director
Craig Boyack, Chief Investigator
Jesama Rosensweig, Technical Records Specialist 2

Others Present:

Maurie Ellsworth, Commission's Legal Counsel
See attached list

Introductions:

- a. Commissioners
- b. Staff
- c. Guests

Meeting was called to order at 8:30 a.m. MT by Commission Vice Chair Mike Gamblin.

Approval of Meeting Minutes:

Motion was made by Michael J. Johnston to approve the November 19, 2015 Commission meeting and the December 7, 2015 Special Commission meeting minutes. Motion carried.

Staff Reports:

The following reports were presented for members' review; copies of which are on file at the Commission office:

- **November/December 2015 Financial Reports**
- **FY15-FY16 License Base Analysis**
- **Examination Statistics**
- **Complaint Summary Report November/December 2015**
- **Enforcement Telephone Activity Log November/December 2015**
- **Audit Report November/December 2015**

9:30 a.m. — Disciplinary Hearing (recording on file)

Executive Director's Report:

- **Report on Idaho REALTORS® Meetings** – Jeanne reported on her meeting with the Idaho REALTORS® Executive Committee and Mike Gamblin's and her presentation at the Idaho REALTORS® leadership meeting. Items discussed were a license fee increase, revision of the advertising laws/rules, and cooperative agreements with out-of-state licensees. Further discussion followed.
- **Ideas for February Broker Bulletin Letter** – Jeanne asked for topic suggestions for a Broker Bulletin Letter.
- **Discussion on Printing of *Real Estate* Newsletter** – There was discussion on whether to continue printing the *Real Estate* newsletter. It was suggested to have one paper copy and one electronic copy every year. This will be discussed again at a future meeting.
- **Discussion on Cooperative Agreements with Out-of-State Licensees** – Jeanne presented a memo regarding possible implementation of cooperative agreements with out-of-state licensees. Further discussion followed.

Education & Licensing Director's Report:

- **Core 2016 – Hot Topics** – MiChell presented possible topics for Core 2016 as recommended by the Education Council, and requested ideas or input from Commissioners. Further discussion followed.

A motion was made by Michael J. Johnston to adjourn the meeting at 12:35 pm and reconvene at 1:30 pm. Motion carried.

Enforcement:

Consideration of Ex Parte Motions to Cease and Desist:

IREC Staff vs. Craig Sibbett – A motion was made by Michael J. Johnston to grant the Staff's Ex Parte Motion for Cease and Desist Order, and that the Commission issue an Order to Cease and Desist as requested therein. Motion carried.

IREC Staff vs. Linda Arbuckle and Arbuckle Real Estate, LLC – A motion was made by Michael J. Johnston to grant the Staff's Ex Parte Motion for Cease and Desist Order, and that the Commission issue an Order to Cease and Desist as requested therein. Motion carried.

Kirt Naylor and Eric Nelson of Naylor & Hales, attorneys for the Commission, joined the meeting at 1:35 p.m.

Executive Session: In accordance with the provisions of Idaho Code 74-206(1)(f) a motion was made by Michael Johnston to adjourn to executive session to communicate with legal counsel to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated in Case No. 1:15-cv-00215-CWD filed in the

U. S. District Court for the District of Idaho. Roll was called; Marvis Brice (present by phone), Kathy Weber, Mike Gamblin and Michael J. Johnston voted in favor. Motion carried. Commissioners and counsel convened in executive session.

Regular Session: There being no further purpose for an executive session, a motion was made by Kathy Weber to adjourn the executive session and return to open meeting at 2:51 pm. Motion carried.

Executive Session: In accordance with the provisions of Idaho Code 74-206(1)(b), a motion was made by Michael J. Johnston to adjourn to executive session to consider complaints brought against a public officer, employee, staff member, or individual agent. Roll was called; Michael J. Johnston, Mike Gamblin, Marvis Brice (present by phone), and Kathy Weber voted in favor. Motion carried. Members convened in executive session.

Regular Session: There being no further purpose for an executive session, a motion was made by Michael J. Johnston to adjourn the executive session and return to open meeting at 4:30 PM. Motion carried.

Executive Session: In accordance with the provisions of Idaho Code 74-206(1)(d), a motion was made by Michael J. Johnston to adjourn to executive session to consider records exempt from disclosure under the Public Records Act, Chapter 1, Title 74, Idaho Code, relating to information obtained as part of an inquiry into fitness to be granted or retain a license or certificate. Roll was called; Michael J. Johnston, Mike Gamblin, and Kathy Weber voted in favor. Motion carried. Members convened in executive session.

Regular Session: There being no further purpose for an executive session, a motion was made by Kathy Weber to adjourn the executive session and return to open meeting at 4:45 PM. Motion carried.

A motion was made by Michael J. Johnston to approve and grant requests 16-001, 16-003, 16-004, and 16-005. Motion carried.

A motion was made by Michael J. Johnston to deny request 16-002. Motion carried.

Executive Session: In accordance with the provisions of Idaho Code 74-206(1)(f) a motion was made by Michael J. Johnston to adjourn to executive session to communicate with legal counsel to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated in the matter of Staff of the Idaho Real Estate Commission vs. Will Amador and Century 21 M&M and Associates, Case Nos. 14-0096 and 14-0097. Roll was called; Michael J. Johnston, Mike Gamblin, and Kathy Weber voted in favor. Motion carried. Members convened in executive session.

Regular Session: There being no further purpose for an executive session, a motion was made by Kathy Weber to adjourn the executive session and return to open meeting at 6:15 PM. Motion carried.

Consideration of Order on Costs and Attorney's Fees:

Following discussion by the Commission, in the matter of Staff of the Idaho Real Estate Commission vs. Will Amador and Century 21 M&M and Associates, having considered Staff's Memorandum of Costs and Attorney's Fees, and Respondents having made no objection thereto, a motion was made by Kathy Weber to enter an order as follows:

- Finding that Staff was successful in obtaining the disciplinary order it sought, and all of Staff's costs and attorney's fees incurred as to each Respondent should be assessed against such Respondent.
- Finding that the attorney's fees claimed by Staff in these proceedings were reasonably incurred, and the amounts not excessive.
- Respondent Amador shall pay costs and attorney's fees in the amount of Four Thousand Five Hundred Seventeen Dollars and Fourteen Cents (\$4,517.14).
- Respondent Century 21 M & M and Associates shall pay costs and attorney's fees in the amount of Four Thousand Four Hundred Sixty Dollars and Fifteen Cents (\$4,460.15).
- The Final Order issued November 24, 2015 stands and the civil fines ordered to be paid by each Respondent are to be paid pursuant to such Final Order. All costs and attorney's fees ordered to be paid in the Final Order by each Respondent are due and payable on or before February 22, 2016.
- In accordance with Commission policy, payments received shall be applied first to the amount of costs and attorney's fees ordered, and then to the civil fines.
- The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Order to be served on the Respondents by mailing a copy to the Respondents' last known address on file at the Commission office.

Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

Stipulations:

Staff vs. Virginia Properties, Inc.:
Staff vs. Cushman & Wakefield/Thalimer:
Staff vs. Christian Waller:

The parties' Stipulations in this matter were presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulations. No other testimony was taken.

Motion was made by Michael J. Johnston to approve the Stipulations as presented and to enter "Final Orders" in accordance with the terms of the Stipulations. Motion carried. Copies of the Final Orders are attached hereto and made a part of these minutes.

Staff vs. Lydia Susanne Richards:

The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulation as presented and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. Copies of the Final Order is attached hereto and made a part of these minutes.

Staff vs. W. Eugene Strate:

The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulation as presented and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. Copies of the Final Order is attached hereto and made a part of these minutes.

Staff vs. Michelle Terri "Shelly" England:

The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulation as presented and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. Copies of the Final Order is attached hereto and made a part of these minutes.

Staff vs. Susan J. Allred:

The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulation as presented and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. Copies of the Final Order is attached hereto and made a part of these minutes.

Staff vs. Janet Laraway:

The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulation as presented and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. Copies of the Final Order is attached hereto and made a part of these minutes.

Staff vs. Alicia Koren Barbieri:

Staff vs. David Allen Peterson:

The parties' Stipulations in this matter were presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulations. No other testimony was taken.

Motion was made by Michael J. Johnston to approve the Stipulations as presented and to enter "Final Orders" in accordance with the terms of the Stipulations. Motion carried. Copies of the Final Orders are attached hereto and made a part of these minutes.

Probable Cause Memos #12-0082, 12-0083, 12-0084, 12-0124, 12-0302, and 12-0303: A motion was made by Michael J. Johnston finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Michael J. Johnston further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order", a copy of which shall be provided to any hearing officer upon appointment. Motion failed.

Probable Cause Memos #13-0098, 13-0099, 13-0100, 14-0363, 15-0440, 13-0180, 13-0181, 13-0182, 13-0201, 13-0202, 13-0203, 13-0204, 15-0165, 15-0166, 15-0353, 15-0354, 15-0352, 15-0433, 15-0434, 15-0448, 15-0431, and 15-0432: A motion was made by Kathy Weber finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file administrative complaints. Kathy Weber further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order", a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Probable Cause Memos #15-0471 and 15-0472: A motion was made by Mike Gamblin to find the facts set forth in the probable cause memo are insufficient to proceed with formal action, and directing staff to close the file. Motion carried.

Probable Cause Memos #15-0174, 15-0175, 15-0176, and 15-0457: A motion was made by Kathy Weber to continue this item until the March meeting. Motion carried.

A motion was made by Kathy Weber to reconsider the Commission's decision regarding **Probable Cause Memos #12-0082, 12-0083, 12-0084, 12-0124, 12-0302, and 12-0303.** Motion carried.

A motion was made by Mike Gamblin to continue discussion of **Probable Cause Memos #12-**

0082, 12-0083, 12-0084, 12-0124, 12-0302, and 12-0303 until the March meeting. Motion carried.

A motion was made by Kathy Weber to adjourn the meeting at 6:19 pm. Motion carried.

Respectfully submitted,



Jeanne Jackson-Heim
Executive Director

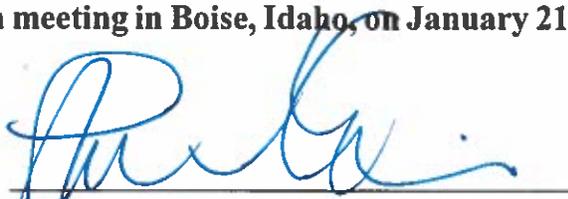
JJH: jr

Attachments: Final Orders

Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho, on January 21, 2016, are hereby approved.



Marvis Brice, Chair



Mike Gamblin, Vice Chair



Michael James Johnston, Member



Kathy Weber, Member

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

CRAIG SIBBETT,

Respondent.

Case No. 15-0240

**EX PARTE MOTION FOR
CEASE AND DESIST ORDER**

Pursuant to the authority of the Idaho Real Estate License Law, Idaho Code 54-2001 et. seq. (the License Law), Staff of the Idaho Real Estate Commission hereby alleges the following facts that constitute a basis for the issuance of an ORDER, pursuant to section 54-2067, requiring Respondent Craig Sibbett to IMMEDIATELY CEASE AND DESIST from violating the License Law.

RESPONDENT

1. Respondent Craig Sibbett is an individual who markets himself as a “Specialized Private Realty Marketer.” He claims to locate both buyers and properties for a fee.

FACTUAL BASIS

2. Respondent is not and has never been licensed to practice real estate in the state of Idaho.

3. Respondent contacted Lysi Bishop, an Idaho licensee, by email on September 17, 2015 and requested a Finder's Fee for procuring a buyer for an Idaho property. Respondent's email said:

"Hello Lysi

My name is Craig Sibbett.

I am not a realtor. I am a specialized private realty marketer for clients who choose not to use a realtor.

I'll come right to the point. I had a client with a multi million dollar home for sale in Idaho. I found them an outstanding HIGH END CLIENT in Boise who loved the home but in the end certain things were not a fit and they chose to pass.

This client is currently looking for a high end Boise home. They are HIGHLY QUALIFIED I assure you. I saw Crescent Rim and decided to approach you.

I am happy to privately turn over the buyers mother in law who happens to be a agent in Idaho herself for you to try and get a showing and ultimately an offer.

I do this for a living as you do. My fees can be called a consulting fee or what ever your office or the owner of Crescent Rim feels right with. Point being I only get paid as you do and that is if the client buys and closes.

For me giving you the agents information privately and you taking it from there hopefully showing and closing I charge a very reasonable:

- 1) 3505 W Crescent Rim Boise ID 2% Consulting Fee or Finders Fee etc; of the total selling price.*
- 2) 1% Consulting Fee of any home in the future 12 months sold to the same client in the Boise area thru your Keller Williams office.*

I am sure if you check with the owner of Crescent Rim they will be thrilled to have me as part of the TEAM. They are even welcome to pay me after closing separate to avoid confusion. Yes in the end the owner of Crescent Rim will be paying 8% vs 6% but they also will be selling their home vs the many that are not that lucky.

You or the owner of Crescent Rim are welcome to call me or we can also have a 3 way conference. I think Crescent Rim is amazing and certainly priced in their tier. Really just a matter of you getting a showing with them which I am sure the mother in law would be happy to arrange. If we can come to an agreement we will simple contract to that fact and I'll let you handle the rest.

Thanks Lysi,

Craig Sibbett "

4. In a telephone conversation with Commission Staff on September 30, 2015, Respondent admitted to collecting fees for locating buyers. When Commission Staff informed him of Idaho real estate law, he stated:

"I'm not a real estate agent, I'm not licensed, I have nothing to do with that, no one's ever been told that, and, so, I'll just continue to work the way I have for many years."

5. In an email to Commission Staff on September 30, 2015, Respondent admitted to collecting fees from buyers after locating properties for them. His email states:

"To whom it may concern:

I am not a real estate agent. I do not advertise as a real estate agent. I am a free lance marketer. I have multiple buyers across the US that are always looking for unique properties.

If and when I find that property that may interest my buyer I simply give them the name of the Realtor who is advertising the property. The Realtor writes up any contracts or the customer can choose to use a title company and or their own attorney.

My customers compensate me based on the quality of the property I locate for them.

I am not in violation nor have I ever been in violation of any state or federal laws.

Thank you for your time.

*Regards,
Craig Sibbett”*

6. Respondent admitted he is not a licensed real estate agent in both a telephone conversation and an email to Commission Staff on September 30, 2015.

7. Based upon information provided to the Commission and described above, Respondent has engaged in real estate brokerage activity in Idaho and is not licensed, in violation of the License Law.

CONCLUSIONS OF LAW AND VIOLATIONS

8. The allegations set forth in paragraphs 1 – 7 above are fully incorporated herein by this reference.

9. Idaho Code 54-2002 provides, in pertinent part:

54-2002 – Licensure Required. No person shall engage in the business or act in the capacity of real estate broker or real estate salesperson in this state without an active Idaho real estate license therefor. Unless exempted by this chapter, and single act described within the definitions of “real estate broker” or “real estate salesperson” shall be sufficient to constitute “engaging in the business” within the meaning of this chapter. Any person who

engages in the business or acts in the capacity of real estate broker or salesperson in this state, with or without an Idaho real estate license, has thereby submitted to the jurisdiction of the state of Idaho and to the administrative jurisdiction of the Idaho real estate commission, and shall be subject to all penalties and remedies available under Idaho law for any violation of this chapter.

10. Real estate brokerage activity is defined in Idaho Code 54-2004(36).

11. Respondent's acts of listing and selling, and offering to list and sell Idaho real property for others, representing to the public that it is engaged in such activities, and procuring prospects for the purchase or sale of real property situated in Idaho, all without an active Idaho license to do so, constitute violations of Idaho Code 54-2002, as defined by Idaho Code 54-2004(36).

12. Respondent's continuance of unlicensed activity poses an immediate danger to the public.

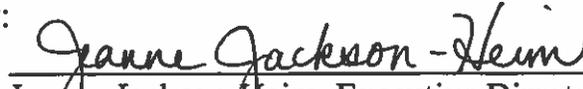
13. Idaho Code 54-2067 provides that the Commission is authorized to order any person violating any portion of the License Law to cease and desist such activity immediately.

REQUEST FOR ORDER

WHEREFORE, for the foregoing reasons, Petitioner requests entry of an order requiring Respondent Craig Sibbett to IMMEDIATELY CEASE AND DESIST engaging in unlicensed real estate brokerage activity.

Dated this 28th day of December, 2015.

By:



Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

VERIFICATION

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Jeanne Jackson-Heim, being first duly sworn, deposes and says:

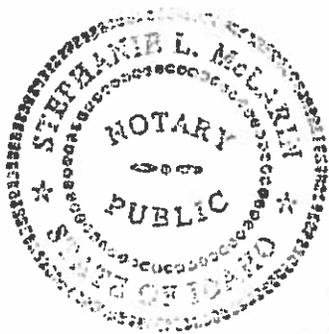
That I am the Executive Director of the Idaho Real Estate Commission, the Petitioner in the above-entitled action; that I have read the foregoing and know the contents thereof; and I certify that the same is true of my own knowledge, except as to matters which are therein stated upon my information and belief, and as to those matters I believe to be true.

I certify, under penalty of perjury, that the foregoing is true and correct.



Jeanne Jackson-Heim

SUBSCRIBED AND SWORN TO before me this 28th day of December, 2015.





Notary Public for the State of Idaho
Commission expires: 4/15/16

ORIGINAL

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

CRAIG SIBBETT,

Respondent.

Case No. 15-0240

ORDER TO CEASE AND DESIST

Pursuant to the authority of the Idaho Real Estate License Law, Idaho Code 54-2067, and the Idaho Administrative Procedure Act, Idaho Code 67-5247, and based upon the allegations set forth in Petitioner's Ex Parte Motion for Cease and Desist Order, the Idaho Real Estate Commission (Commission), hereby issues this ORDER requiring Respondent Craig Sibbett to IMMEDIATELY CEASE AND DESIST from violating chapter 20, title 54, Idaho Code (the Real Estate License Law), by engaging in the unlicensed business of real estate brokerage.

RESPONDENT

1. Respondent Craig Sibbett is an individual who markets himself as a "Specialized Private Realty Marketer." He claims to locate both buyers and properties for a fee.

FINDINGS OF FACT

2. The allegations set forth in paragraphs 1 – 7 of Petitioner’s Ex Parte Motion for Cease and Desist Order, dated December 28, 2015, which is attached hereto, are fully incorporated herein by reference and constitute the Commission’s own findings in support of this Order.

CONCLUSIONS OF LAW AND VIOLATIONS

3. The Idaho Real Estate License Law (License Law) provides that no person shall engage in any act of a “real estate broker” “in this state” without holding an active Idaho real estate license therefor. Idaho Code 54-2002.

4. The License Law provides that a person is “acting in this state” if he is “dealing with any interest in real property . . . that is situated in this state.” Idaho Code 54-2004(2).

5. The License Law defines the acts of a real estate broker to include:

- Selling or listing, negotiating or offering to sell, list, or negotiate real property for others. Idaho Codes 54-2004(36)(a) and 54-2004(2).
- Representing to the public that the person is engaged in such activities. Idaho Codes 54-2004(36)(c) and 54-2004(2).
- Engaging or taking any part in procuring of prospects. Idaho Codes 54-2004(36)(d) and 54-2004(2).

6. Respondent’s acts of offering to list and sell Idaho real property for others, negotiating, representing to the public that they are engaged in such activities, and procuring prospects for the purchase or sale of real property

situated in Idaho, all without an active Idaho license to do so, constitute violations of Idaho Code 54-2002.

7. Idaho Code 54-2067 authorizes the Commission to order any person violating the License Law to immediately cease and desist such activity.

ORDER

8. NOW, THEREFORE, the Commission HEREBY FINDS that the Respondent has violated the Idaho Real Estate License Law as set forth above.

9. Pursuant to Idaho Codes 54-2067, IT IS HEREBY ORDERED that Respondent Craig Sibbett IMMEDIATELY CEASE AND DESIST from acts, practices, or omissions which constitute a violation of the License Law, including specifically from engaging in real estate brokerage activity in Idaho without the license required by the License Law.

NOTICE

10. Respondent is HEREBY NOTIFIED that the foregoing ORDER TO CEASE AND DESIST is a final order of the Commission, subject to Respondent's right to timely file a motion for reconsideration of such final order or to request a hearing as to such order, pursuant to Idaho Code 67-5246(4). Such motion for reconsideration or request for hearing must be in writing and filed with the Commission within fourteen (14) days after the service of this order, at the following address:

Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission
575 E. Parkcenter Blvd., Suite 180
Boise, ID 83706

11. If Respondent timely files a request for hearing, the Commission will notify Respondent of the date, time, and place of the hearing, as well as the name and contact information of the presiding officer.

12. Any hearing and subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedures Act, Idaho Code 67-5201, *et seq.*, and the applicable Rules of Practice and Procedure of the Commission Governing Contested Cases, IDAPA 33.01.02, *et seq.*

13. This is a Final Order of the Agency. Any aggrieved party may file a motion for reconsideration of this Final Order within fourteen (14) days from the date of service of this Final Order. The Commission will dispose of the motion for reconsideration within twenty-one (21) days of its receipt, or else the motion will be deemed denied by the operation of law. See Idaho Code 67-5246(4).

14. Judicial Review – Place of filing. Pursuant to Idaho Code 67-5272, any party aggrieved by this Final Order or Orders previously issued in this case may seek judicial review of this Final Order and all previously issued Orders in this case by filing a petition for review in the district court of the county in which:

- a. a hearing was held;
- b. the final agency action was taken;
- c. the party seeking review of the Order resides or operates its principal place of business in Idaho.

15. Judicial Review – Time for Filing. Pursuant to Idaho Code 67-5273, petition for judicial review must be filed:

- a. within twenty-eight (28) days from the date of service of this Final Order; or, if a motion for reconsideration is filed,

b. within twenty-eight (28) days of the date of the Commission's decision on that motion, or of the Commission's failure within twenty-one (21) days to issue a decision on the motion, whichever is later.

A cross-petition for judicial review may be filed within fourteen (14) days after a party is served with a copy of the notice of the petition for judicial review.

The filing of a petition for review in the district court does not itself stay the effectiveness or enforcement of the Order being appealed. See Idaho Code 57-5274.

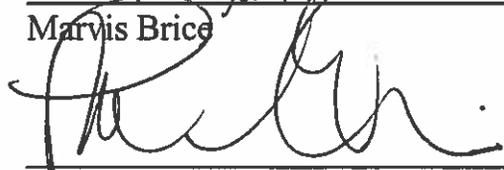
16. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known addresses.

Issued this 21st day of January, 2016.

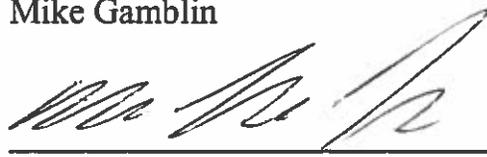
COMMISSIONERS:

Not Present

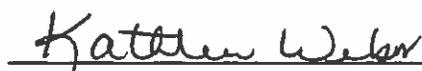
Marvis Brice



Mike Gamblin



Michael James Johnston



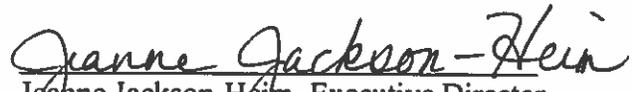
Kathy Weber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Ex Parte Motion for Cease & Desist Order and the Order to Cease & Desist, upon:

Mr. Craig Sibbett
5258 N. 1700 W.
Cedar City, UT 84720
craig@3rdphaseinvestment.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Hein, Executive Director
Idaho Real Estate Commission

COPY

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ORIGINAL

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

LINDA ARBUCKLE and
ARBUCKLE REAL ESTATE
LLC,

Respondents.

Case Nos. 15-0144 and 15-0145

**EX PARTE MOTION FOR
CEASE & DESIST ORDER**

Pursuant to the authority of the Idaho Real Estate License Law, Idaho Code 54-2001 et. seq. (the License Law), Staff of the Idaho Real Estate Commission hereby alleges the following facts that constitute a basis for the issuance of an ORDER, pursuant to section 54-2067, requiring Respondents Linda Arbuckle and Arbuckle Real Estate LLC to IMMEDIATELY CEASE AND DESIST from violating the License Law.

RESPONDENTS

1. Respondent Linda Arbuckle is a Utah licensee and the designated broker of Respondent Arbuckle Real Estate LLC. Respondent Arbuckle's Idaho license is on inactive status.

FACTUAL BASIS

2. Respondent's Idaho license changed from active status to inactive status on February 14, 2013.

3. Respondent's ex-husband contacted her about his interest in purchasing a home in Malad, Idaho. Respondent told him to view homes for sale online. He found homes he was interested in and asked Respondent to look at the Malad homes with him.

4. Respondent called Mary Ann Reel, the designated broker of Mountain Valley Realty, LLC, and asked if she could show a couple of her listed properties in Malad. Respondent asked if she had any other listings in a certain price range and said she had a cash buyer. Ms. Reel gave her the addresses of three other listed properties and left the keys to her listings at the Mountain Valley Realty office for Respondent to pick up so she could view the homes with the buyer. Respondent and buyer entered the state of Idaho and viewed the homes.

5. Respondent and her ex-husband viewed two homes and drove by a third and these homes did not meet the buyer's requirements. Respondent returned the keys to the Mountain Valley Realty office.

6. Respondent and her ex-husband drove around Malad looking at other available properties. They located a home listed by Mike Atkinson, with Idaho Real Estate Group. Respondent contacted Mr. Atkinson for information on the home and permission to view the home with the buyer. Respondent viewed the home with her ex-husband and he decided he wanted to write an offer on the home.

7. Respondent contacted Mr. Atkinson and asked if he would work with her on a referral basis and prepare an offer on his listed property for her ex-

husband. Mr. Atkinson asked them to come to his brokerage so he could prepare a purchase and sale agreement for the buyer.

8. Respondent prepared a hand written referral agreement with 2.25% of the 3% selling commission to Arbuckle Real Estate. Respondent and Mr. Atkinson signed the referral agreement.

9. Mr. Atkinson prepared a purchase and sale agreement for Respondent's ex-husband. Mr. Atkinson's seller client accepted the offer. The transaction closed and Mr. Atkinson received the full commission and paid Respondent a referral fee of 2.25%.

10. Based upon information provided to the Commission and described above, the Respondent has engaged in real estate brokerage activity in Idaho and is not actively licensed, in violation of the License Law.

CONCLUSIONS OF LAW AND VIOLATIONS

11. The allegations set forth in paragraphs 1 – 10 above are fully incorporated herein by this reference.

12. Idaho Code 54-2002 provides, in pertinent part:

54-2002 – Licensure Required. No person shall engage in the business or act in the capacity of real estate broker or real estate salesperson in this state without an active Idaho real estate license therefor. Unless exempted by this chapter, and single act described within the definitions of "real estate broker" or "real estate salesperson" shall be sufficient to constitute "engaging in the business" within the meaning of this chapter. Any person who engages in the business or acts in the capacity of real estate broker or salesperson in this state, with or without an Idaho real estate license, has thereby submitted to the jurisdiction of the state of Idaho and to the administrative jurisdiction of the Idaho real estate

commission, and shall be subject to all penalties and remedies available under Idaho law for any violation of this chapter.

13. Real estate brokerage activity is defined in Idaho Code 54-2004(36).

14. Respondent's acts of listing and selling, and offering to list and sell Idaho real property for others, representing to the public that it is engaged in such activities, and procuring prospects for the purchase or sale of real property situated in Idaho, all without an active Idaho license to do so, constitute violations of Idaho Code 54-2002, as defined by Idaho Code 54-2004(36).

15. Respondent's continuance of unlicensed activity poses an immediate danger to the public.

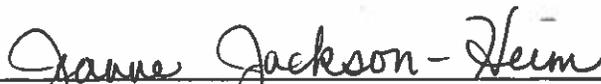
16. Idaho Code 54-2067 provides that the Commission is authorized to order any person violating any portion of the License Law to cease and desist such activity immediately.

REQUEST FOR ORDER

WHEREFORE, for the foregoing reasons, Petitioner requests entry of an order requiring Respondent to IMMEDIATELY CEASE AND DESIST engaging in unlicensed real estate brokerage activity

Dated this 28th day of December, 2015.

By:



Jeanne Jackson-Helm, Executive Director
Idaho Real Estate Commission

VERIFICATION

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

Jeanne Jackson-Heim, being first duly sworn, deposes and says:

That I am the Executive Director of the Idaho Real Estate Commission, the Petitioner in the above-entitled action; that I have read the foregoing and know the contents thereof; and I certify that the same is true of my own knowledge, except as to matters which are therein stated upon my information and belief, and as to those matters I believe to be true.

I certify, under penalty of perjury, that the foregoing is true and correct.



Jeanne Jackson-Heim

SUBSCRIBED AND SWORN TO before me this 28th day of December, 2015.





Notary Public for the State of Idaho
Commission expires: 4/15/16

ORIGINAL

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

LINDA ARBUCKLE & ARBUCKLE
REAL ESTATE LLC,

Respondents.

Case No. 15-0144 and 15-0145

ORDER TO CEASE AND DESIST

Pursuant to the authority of the Idaho Real Estate License Law, Idaho Code 54-2067, and the Idaho Administrative Procedure Act, Idaho Code 67-5247, and based upon the allegations set forth in Petitioner's Ex Parte Motion for Cease and Desist Order, the Idaho Real Estate Commission (Commission), hereby issues this ORDER requiring Respondents Linda Arbuckle and Arbuckle Real Estate LLC to IMMEDIATELY CEASE AND DESIST from violating chapter 20, title 54, Idaho Code (the Real Estate License Law), by engaging in the unlicensed business of real estate brokerage.

RESPONDENTS

1. Respondent Linda Arbuckle is a Utah licensee and the designated broker of Respondent Arbuckle Real Estate LLC. Respondent's Idaho license is on inactive status.

FINDINGS OF FACT

2. The allegations set forth in paragraphs 1 – 10 of Petitioner’s Ex Parte Motion for Cease and Desist Order, dated December 28, 2015, which is attached hereto, are fully incorporated herein by reference and constitute the Commission’s own findings in support of this Order.

CONCLUSIONS OF LAW AND VIOLATIONS

3. The Idaho Real Estate License Law (License Law) provides that no person shall engage in any act of a “real estate broker” “in this state” without holding an active Idaho real estate license therefor. Idaho Code 54-2002.

4. The License Law provides that a person is “acting in this state” if he is “dealing with any interest in real property . . . that is situated in this state.” Idaho Code 54-2004(2).

5. The License Law defines the acts of a real estate broker to include:

- Selling or listing, negotiating or offering to sell, list, or negotiate real property for others. Idaho Codes 54-2004(35)(a) and 54-2004(2).
- Representing to the public that the person is engaged in such activities. Idaho Codes 54-2004(35)(c) and 54-2004(2).
- Engaging or taking any part in procuring of prospects. Idaho Codes 54-2004(35)(d) and 54-2004(2).

6. Respondent’s acts of offering to list and sell Idaho real property for others, negotiating, representing to the public that they are engaged in such activities, and procuring prospects for the purchase or sale of real property

situated in Idaho, all without an active Idaho license to do so, constitute violations of Idaho Code 54-2002.

7. Idaho Code 54-2067 authorizes the Commission to order any person violating the License Law to immediately cease and desist such activity.

ORDER

8. NOW, THEREFORE, the Commission HEREBY FINDS that the Respondent has violated the Idaho Real Estate License Law as set forth above.

9. Pursuant to Idaho Codes 54-2067, IT IS HEREBY ORDERED that Respondent Linda Arbuckle and Arbuckle Real Estate LLC IMMEDIATELY CEASE AND DESIST from acts, practices, or omissions which constitute a violation of the License Law, including specifically from engaging in real estate brokerage activity in Idaho without the license required by the License Law.

NOTICE

10. Respondent is HEREBY NOTIFIED that the foregoing ORDER TO CEASE AND DESIST is a final order of the Commission, subject to Respondent's right to timely file a motion for reconsideration of such final order or to request a hearing as to such order, pursuant to Idaho Code 67-5246(4). Such motion for reconsideration or request for hearing must be in writing and filed with the Commission within fourteen (14) days after the service of this order, at the following address:

Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission
575 E. Parkcenter Blvd., Suite 180
Boise, ID 83706

11. If Respondent timely files a request for hearing, the Commission will notify Respondent of the date, time, and place of the hearing, as well as the name and contact information of the presiding officer.

12. Any hearing and subsequent proceedings in this matter will be conducted in accordance with the Idaho Administrative Procedures Act, Idaho Code 67-5201, *et seq.*, and the applicable Rules of Practice and Procedure of the Commission Governing Contested Cases, IDAPA 33.01.02, *et seq.*

13. This is a Final Order of the Agency. Any aggrieved party may file a motion for reconsideration of this Final Order within fourteen (14) days from the date of service of this Final Order. The Commission will dispose of the motion for reconsideration within twenty-one (21) days of its receipt, or else the motion will be deemed denied by the operation of law. See Idaho Code 67-5246(4).

14. Judicial Review – Place of filing. Pursuant to Idaho Code 67-5272, any party aggrieved by this Final Order or Orders previously issued in this case may seek judicial review of this Final Order and all previously issued Orders in this case by filing a petition for review in the district court of the county in which:

- a. a hearing was held;
- b. the final agency action was taken;
- c. the party seeking review of the Order resides or operates its principal place of business in Idaho.

15. Judicial Review – Time for Filing. Pursuant to Idaho Code 67-5273, petition for judicial review must be filed:

- a. within twenty-eight (28) days from the date of service of this Final Order; or, if a motion for reconsideration is filed,

b. within twenty-eight (28) days of the date of the Commission's decision on that motion, or of the Commission's failure within twenty-one (21) days to issue a decision on the motion, whichever is later.

A cross-petition for judicial review may be filed within fourteen (14) days after a party is served with a copy of the notice of the petition for judicial review.

The filing of a petition for review in the district court does not itself stay the effectiveness or enforcement of the Order being appealed. See Idaho Code 57-5274.

16. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known addresses.

Issued this 21st day of January 2016.

COMMISSIONERS:

Not Present

Marvis Brice

Mike Gamblin

Michael James Johnston

Kathy Weber

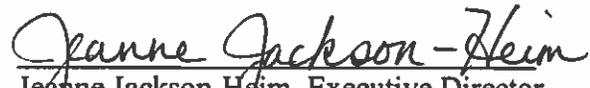
Kathy Weber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Ex Parte Motion for Cease & Desist Order and the Order to Cease & Desist, upon:

Ms. Linda Arbuckle
Arbuckle Real Estate LLC
269 North 100 West
Malad, ID 83252
arbuckle.linda@gmail.com

 X U.S. Mail
 X Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

Maurice O. Ellsworth [ISB #1842]
General Counsel
Idaho Bureau of Occupational Licenses
700 W State Street
PO Box 83720
Boise, ID 83720-0063
Telephone: (208) 334-3233
Facsimile: (208) 334-3945

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

WILL AMADOR and CENTURY 21
M & M AND ASSOCIATES,

Respondents.

Case Nos. 14-0096 and 14-0097

**ORDER ON COSTS &
ATTORNEY'S FEES**

THIS MATTER came before the Idaho Real Estate Commission for a determination of the amount of costs and attorney's fees Respondents Will Amador and Century 21 M & M and Associates are required to pay pursuant to the Commission's Final Order dated November 24, 2015 ("Final Order").

Pursuant to Paragraph 3 of the Final Order, Respondents are ordered to pay costs and attorney's fees incurred by the Staff in this matter. Paragraph 5 of the Final Order sets forth the procedure to determine the amount of costs and attorney's fees Respondents must pay and the procedure for Respondents to object to the amounts claimed by Staff. Staff filed its Memorandums of Cost and Attorney's Fees setting forth expenses totaling \$4,517.14 for Respondent Amador and \$4,460.15 for Respondent Century 21 M & M and Associates. Neither Respondent filed any objection to Staff's expenses.

In determining the amount of costs and attorney's fees to be assessed in this case, the Commission observes the following:

The License Law grants the Commission broad discretion to "assess costs and attorney's fees for the cost of any investigation and administrative or other proceedings against any licensee who is found to have violated any section of the Idaho Code..." *Idaho Code Section 54-2059(1)*. In exercising that discretion, the Commission recognizes the applicable legal standards set forth in *Haw v. Idaho State Bd. of Medicine*, 137 P.3d 434 (2006). The Commission must "engage in a meaningful analysis" of how much time and effort went into proving the misconduct that resulted in the discipline. "The guiding principle is the sanction must be related to the discipline." *Id.*

Having reviewed Staff's memorandums itemizing the expenses incurred, and having considered the entire record in this case, the Commission finds that attorney's fees claimed by Staff in these proceedings were reasonably incurred, and the amounts not excessive. The Commission further finds that Staff was successful obtaining the disciplinary order it sought, and that all of Staff's costs and attorney's fees incurred as to each Respondent should be assessed against such Respondent.

ORDER

Based on the foregoing, and for good cause shown therein, it is hereby ordered:

1. Respondent Amador shall pay costs and attorney's fees in the amount of **Four Thousand Five Hundred Seventeen Dollars and Fourteen Cents (\$4,517.14)**.

2. Respondent Century 21 M & M and Associates shall pay costs and attorney's fees in the amount of **Four Thousand Four Hundred Sixty Dollars and Fifteen Cents (\$4,460.15)**.

3. The Final Order issued November 24, 2015 stands and the civil fines ordered to be paid by each Respondent are to be paid pursuant to such Final Order. All costs and attorney's fees ordered to be paid in the Final Order by each Respondent in the amounts determined herein **are due and payable on or before February 22, 2016**.

4. All payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be mailed or hand delivered to the Idaho Real Estate Commission, 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the date set forth by this order of the Commission. Do not send payment to Naylor & Hales.

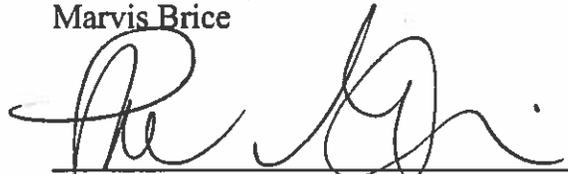
5. In accordance with Commission policy, payments received shall be applied first to the amount of costs and attorney's fees ordered, and then to the civil fines.

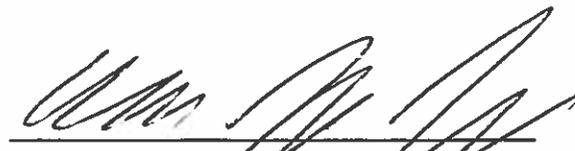
6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Order to be served on the Respondents by mailing a copy to the Respondents' last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present
Marvis Brice


Mike Gamblin


Michael James Johnston

Kathleen Weber
Kathy Weber

CERTIFICATE OF SERVICE

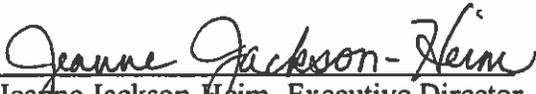
I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Order on Costs & Attorney's Fees, upon:

Mr. Douglas S. Marfice
Ramsden, Marfice, Ealy & Harris, LLP
PO Box 1336
Coeur d'Alene, ID 83814
(Attorney for Will Amador and C21 M & M and Assoc. Respondents)

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

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ORIGINAL

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

CUSHMAN & WAKEFIELD/THALHIMER
a.k.a. MORTON G. THALHIMER, INC.,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2002, as defined by Idaho Code sections 54-2004(35)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist.** Respondent shall cease and desist engaging in any of the conduct or violations set forth in the Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules.

2. **Fines and Fees:**

a. Respondent shall pay a Three Thousand Five Hundred Dollar (\$3,500.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Nine Hundred Sixty Dollars (\$960.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

4. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice



Mike Gamblin



Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

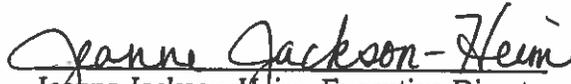
I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. David R. Dustin (authorized agent)
Cushman & Wakefield | Thalhimier
725 Jackson St. Ste. 101
Fredericksburg, VA 22401

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

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BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

CHRISTIAN WALLER,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2002, as defined by Idaho Code sections 54-2004(35)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist.** Respondent shall cease and desist engaging in any of the conduct or violations set forth in the Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules.

2. **Fines and Fees:**

a. Respondent shall pay a Three Thousand Five Hundred Dollar (\$3,500.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

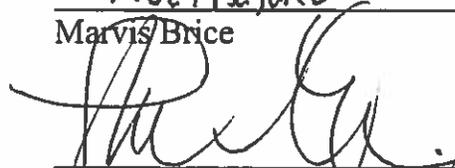
4. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice



Mike Gamblin



Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

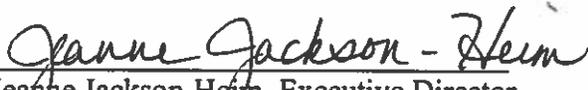
I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Christian Waller
Vakos Real Estate
10151 Southpoint Parkway
Fredericksburg, VA 22407
cwaller@wfvco.com

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

VIRGINIA PROPERTIES, INC.,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2002, as defined by Idaho Code sections 54-2004(35)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist.** Respondent shall cease and desist engaging in any of the conduct or violations set forth in the Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules.

2. **Fines and Fees:**

a. Respondent shall pay a Three Thousand Five Hundred Dollar (\$3,500.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

4. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marys Brice

Mike Gamblin

Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Michael T. Spink
Spink Butler
251 E. Front St. Ste. 200
PO Box 639
Boise, ID 83701

(Attorney for Virginia Properties, Inc., Respondent)

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

COPY

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BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

LYDIA SUZANNE RICHARDS,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2002, as defined by Idaho Code sections 54-2004(36)(a), (c), and (d), and 54-2004(2) - for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license; and

b. § 54-2040 – for failing to give written notice to the commission of any change by the broker of the business name, location or mailing address.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

1. **Fines and Fees:**

a. Respondent shall pay a Three Thousand Dollar (\$3,000.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation,

including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice

[Signature]

Mike Gamblin

[Signature]

Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

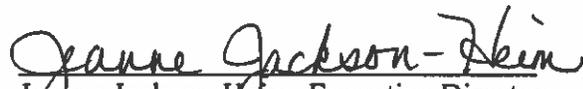
I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Lydia S. Richards
Richards Real Estate
10426 W. Hawk Hill St.
Boise, ID 83714

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

W. EUGENE STRATE,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law, Idaho Code:

a. § 54-2054(3) – Finder's fee prohibited. Any offer of monetary value, by an Idaho licensee, to any person who is not licensed in Idaho or any state or jurisdiction, made for the purpose of inducing such unlicensed person to secure prospects to buy, sell, option, or otherwise dispose of an interest in real property shall be considered to be splitting fees with an unlicensed person, and is prohibited.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees:**

a. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees first, before application to the fine.

b. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make payment on time, to invoke this provision to require immediate and full payment.

c. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **Continuing Education:**

a. Respondent's shall successfully complete the following Idaho real estate educational course by July 22, 2016:

- **Post License Pricing, Marketing, & Advertising**

b. This course shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

c. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

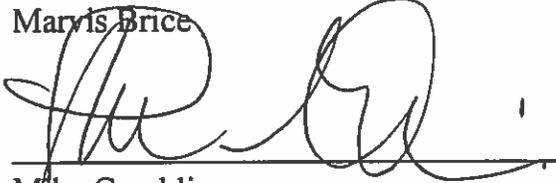
6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

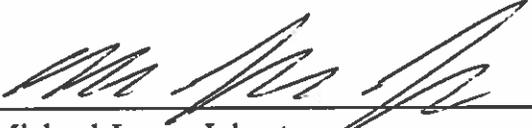
COMMISSIONERS:

Not Present

Marvis Brice



Mike Gamblin



Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

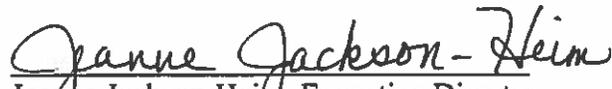
I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. W. Eugene Strate
Keller Williams Realty Boise
1065 S. Allante Place
Boise, ID 83709

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

COPY

ORIGINAL

Comm

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

MICHELLE TERRI "SHELLY" ENGLAND,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2002, as defined by Idaho Code sections 54-2004(36)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license; and

b. § 54-2060(7), filing a misrepresentation in her license renewal form, by representing she did not engage in any activity requiring an active license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

1. **Fines and Fees:**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation,

including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice

[Signature]

Mike Gamblin

[Signature]

Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Michelle T. "Shelly" England
Price Real Estate, Inc.
4155 Yellowstone, Ste. #1162
Chubbuck, ID 83202

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

SUSAN J. ALLRED,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2053(2) – failing to include the broker's licensed business name on advertising of listed property; and

b. § 54-2053(4) – providing information to the public or to prospective customers or clients which is misleading in nature, by disguising the brokerage name on her yard signs.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

1. **Fines and Fees:**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this

paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

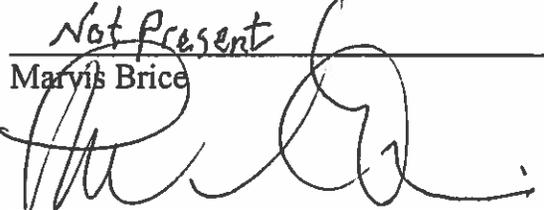
5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice



Mike Gamblin



Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Susan J. Allred
Keller Williams Realty East Idaho
3525 Merlin Dr.
Idaho Falls, ID 83404

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

JANET LARAWAY (a.k.a JANET
"JAN" ANN ROHR,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law, Idaho Code:

a. § 54-2054(3) – Finder's fee prohibited. Any offer of monetary value, by an Idaho licensee, to any person who is not licensed in Idaho or any state or jurisdiction, made for the purpose of inducing such unlicensed person to secure prospects to buy, sell, option, or otherwise dispose of an interest in real property shall be considered to be splitting fees with an unlicensed person, and is prohibited.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees:**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by July 22, 2016. However, the entirety of this fine shall be withheld provided that Respondent timely and strictly completes the continuing education requirements in accordance with the terms of the Stipulation.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE**

IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.

3. Continuing Education:

a. Respondent's shall successfully complete the following Idaho real estate educational course by July 22, 2016:

- **Risky Business Part Two**

b. This course shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

c. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by

Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

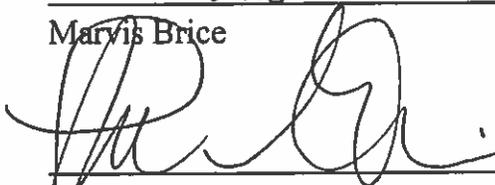
6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice



Mike Gamblin



Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

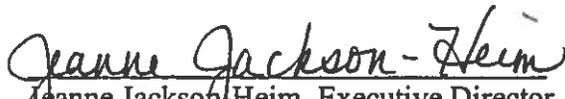
I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Janet (Laraway) Rohr
Realty Market Brokers, LLC
1104 Smith Ave.
Nampa, ID 83651

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

Comm

ORIGINAL

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

ALICIA KOREN BARBIERI,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2002, as defined by Idaho Code sections 54-2004(36)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees:**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the

Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

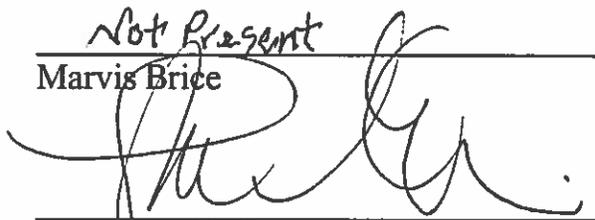
5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice



Mike Gamblin



Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

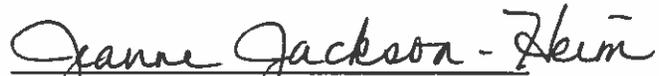
Mr. James Topliff
Evans, Craven & Lackie, PS
818 W. Riverside, Ste. 250
Spokane, WA 99201

(Attorney for Alicia K. Barbieri, Respondent)

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

Comm

ORIGINAL

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

DAVID ALLEN PETERSON,

Respondent.

FINAL ORDER

On January 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2050(1)(a) and (c) – Failing to include conspicuous and definite beginning and expiration dates and prices in his seller representation agreement;

b. § 54-2050(3) – Prohibited provisions and exceptions – Automatic renewal clauses. No buyer or seller representation agreement shall contain a provision requiring the party signing the agreement to notify the broker of the party's intention to cancel the agreement after the definite expiration date, unless the representation agreement states that it is completely nonexclusive and it contains no financial obligation, fee or commission due from the party signing the agreement;

c. § 54-2053(1) – Naming an unlicensed person in advertising of Idaho real property;

d. § 54-2053(2) – Failing to include the broker’s licensed business name in advertising of listed Idaho property; and

e. § 54-2038(4) – Allowing Barbieri to be advertised in an Idaho listing when she was not licensed.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees:**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by February 22, 2016.

b. Respondent shall pay costs and attorney’s fees in the amount of Four Hundred Fifty Dollars (\$450.00) by February 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff’s right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

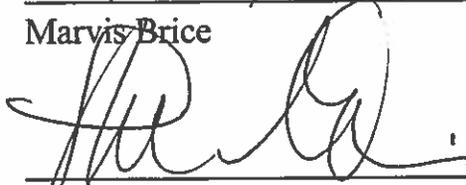
5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of January, 2016.

COMMISSIONERS:

Not Present

Marvis Brice



Mike Gamblin



Michael James Johnston

Kathy Weber

Kathy Weber

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. James Topliff
Evans, Craven & Lackie, PS
818 W. Riverside, Ste. 250
Spokane, WA 99201
(Attorney for David A. Peterson, Respondent)

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission