

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
September 29, 2015**

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at Sun Valley Resort, 1 Sun Valley Road, Sun Valley, ID 83353 on Tuesday, September 29, 2015 at 12:00 p.m. MT.

Commission Members Present:

Marvis Brice, Chair, Burley
Mike Gamblin, Vice Chair, Boise
Kathy Weber, Member, Moscow
Michael James Johnston, Member, Idaho Falls

Comprising a quorum of the Commission

Members Absent:

Staff Present:

Jeanne Jackson-Heim, Executive Director
MiChell Bird, Licensing & Education Director
Craig Boyack, Chief Investigator
Catherine McKillips, Administrative Assistant 2

Others Present:

Kim Coster, Commission's Legal Counsel
See attached list

Introductions:

- Commissioners, Staff, Guests

Meeting was called to order at 12:00 p.m. MT by Commissioner Kathy Weber.

Approval of Meeting Minutes: Motion was made by Kathy Weber to approve the August 20, 2015 and September 4, 2015 Commission meeting minutes. Motion carried.

Reports: The following reports were reviewed and placed on file in the Commission office:

- Financial Report August 2015
- License Base Analysis
- License Examination Statistics Report
- Complaint Summary Report August 2015
- Enforcement Telephone Activity Log August 2015
- Audit Report August 2015

Idaho Association of REALTORS®:

President Tiffany Mai-Ganske reported on membership numbers and IAR activities.

Executive Director's Report:

- Discussion on Property Management Workgroup
- Update on Legislative Changes
- Report on ARELLO Conference

Education & Licensing Director's Report:

- Report on Post License Courses
- Update on Training Video - A new video will be created using Civil Penalty Fine Money.
- Errors and Omissions Insurance Renewal – group policy must be renewed by 9/30 at 11:59 p.m.
- Discussion on New Education Evaluation Policy

Enforcement:

- Stipulations

Case of Staff vs. Kimberly Heller Allen: The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation and to enter a Final Order in accordance with its terms, disciplining Mrs. Allen for violation of Idaho Code 54-2053(4) for placing advertising which provided information to the public or to prospective customers or clients which is misleading in nature; and Idaho Code 54-2060(1) for dishonest and dishonorable dealings.

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

Case of Staff vs. Michael Andrew Chrysler: The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation and to enter a Final Order in accordance with its terms, disciplining Mr. Chrysler for violation of Idaho Code 54-2013(1) and Commission Rule 121.03, failure to maintain errors and omissions insurance while on active license status (late renewal).

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

Case of Staff vs. Richard M. McDonald: The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation and to enter a Final Order in accordance with its terms, disciplining Mr. McDonald for violation of Idaho Code 54-2013(1) and Commission Rule 121.03, failure to maintain errors and omissions insurance while on active license status (late renewal).

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

Case of Staff vs. Jeffrey J. Counsell: The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn and presented the Stipulation. No

other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation and to enter a Final Order in accordance with its terms, disciplining Mr. Counsell for violation of Idaho Code 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.

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

Case of Staff vs. Scott Michael Delphey: The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation and to enter a Final Order in accordance with its terms, disciplining Mr. Delphey for violation of Idaho Code 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.

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

Case of Staff vs. Adam Ratajski: The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation and to enter a Final Order in accordance with its terms, disciplining Mr. Ratajski for violation of Idaho Code 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.

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

Case of Staff vs. Patty De Speakman: The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation and to enter a Final Order in accordance with its terms, disciplining Mrs. Speakman for violation of Idaho Code 54-2060(12), for being grossly negligent or reckless in a regulated real estate transaction when Speakman co-listed an Idaho property with unlicensed individuals and an unlicensed brokerage, which conduct substantially fails to meet the generally accepted standard of care in the practice of real estate in Idaho.

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

- Cease & Desist Orders

Case of Staff vs. Craig Panike: Craig Boyack presented a motion for a Cease & Desist Or-

der. Motion was made by Mike Gamblin to grant Staff's Ex Parte Motion for a Cease and Desist Order in this matter, and to issue an Order to Cease and Desist in accordance therewith.

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

Executive Session: In accordance with the Open Meeting Law, chapter 2, Title 74, Idaho Code, a motion was made by Mike Johnston to adjourn to executive session to discuss personnel matters as authorized by Idaho Code 74-206(1)(d); and to consider the applications for licensure exemption review submitted by the Education & Licensing Director, all as authorized by Idaho Code 74-206(1)(d) (to discuss records exempt under the Public Records Act) and Idaho Code 74-106(1) and (9) (Public Records Act's exemption for information obtained as part of an inquiry into fitness to obtain or retain a license or certification).

Roll was called; Kathy Weber, Marvis Brice, Mike Gamblin and Michael J. Johnston voted in favor. Motion carried. Members convened in executive session and discussed personnel matters and exemption reviews.

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. Motion carried.

Exemption Review #15-013: Motion was made by Mike Johnson to approve request for exemption. Motion carried.

Discussion of additional meeting that came in from person from out of state that Jeanne is asking Commission, not this year, it would be an additional meeting on top of the two you already attend. Open discussion on this topic. She wants to do a better District Meeting 4. Start with what we currently have first.

Motion was made by Mike Gamblin to adjourn the meeting at 4:48 p.m. MT. Motion carried.

Respectfully submitted,

Jeanne Jackson-Heim
Executive Director

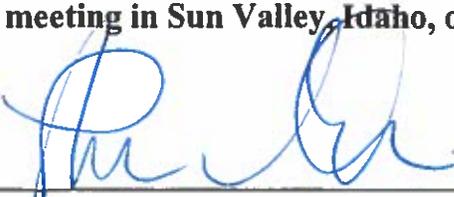
JJH: cm

Attachments: Final Orders

Minutes of the Idaho Real Estate Commission meeting in Sun Valley, Idaho, on September 29, 2015, are hereby approved.



Marvis Brice, Chair



Mike Gamblin, Vice Chair



Kathy Weber, Member



Michael J. Johnston, Member