

Guidelines for Awards of Civil Penalty Fine Money

The Idaho Real Estate Commission has civil penalty fine money available for the development and delivery of real estate education for the benefit of Idaho real estate licensees. (Idaho Code 54-2059(4) and 54-2021.) The current legislative appropriation is \$95,000 per fiscal year (July 1 to June 30). The following are the Commission's guidelines for awards of civil penalty fine money.

Funds may be awarded in the following ways:

- **Public Applications**

Awards made in response to unsolicited funding requests for projects that support the development and delivery of real estate education to benefit Idaho licensees.

- **Commission Targeted Projects**

Funding for projects or research initiated or requested by the Commission in response to specific education needs identified by the Commission, including reaching a specific target licensee audience or addressing an unmet need in licensee education. In this case, the Commission conceptualizes the project, locates the groups or individuals whose knowledge and experience qualify them to pursue the project, and then provides the funding necessary to accomplish the project objective.

- **Commission Requests for Proposals**

The Commission may issue requests for proposals to further the Commission's education priorities. A request for proposals may identify a specific issue or target audience or may be general in nature.

Activities Supported

1. New Course Development
2. Current Course Enhancement
3. Event/Speaker Offering
4. Research & Development
5. Video Production/Development

Activities not Supported

Education fund awards may not be used for:

- direct expenditures for regular business operations or programs
- meals or refreshments, including food, beverage, paper products, etc.
- recovery of indirect costs
- travel costs in excess of State of Idaho travel guidelines

Target Audience

Civil penalty fine money may only be expended to benefit Idaho real estate licensees. Although non-licensees are not precluded from attending events, the Commission may require that non-licensees pay fees or purchase materials otherwise underwritten for licensees. Strong

consideration will be given to activities addressing licensee risk reduction, including delivery of the Commission Core course.

Criteria Considered in Making Awards

1. Number of Idaho licensees benefited – amount of fine money expended per licensee and educational benefit conferred?
2. Is the activity approved, or eligible to be approved, for continuing education or prelicense credit?
3. Need – What educational need is being met? How has that need been identified? Does the request duplicate an existing course or offering?
4. Benefit to under-served licensees.
 - a. Location – does the activity reach a remote or under-served geographical area?
 - b. Content – does the activity provide educational content that is significant to an identifiable group of licensees that would not otherwise be available to Idaho licensees?
5. Cost savings to the licensee – will the award benefit the licensee by providing relevant education at no cost or a reduced cost?
6. \$5,000 maximum award amount (pursuant to Idaho purchasing rules, all contracts for professional services over \$5,000 are required to go through the state’s purchasing process, including the solicitation of competitive bids).
7. Awards should be used to cover program expenses, not to generate profit. However, the fact that increased licensee attendance generates profit for the applicant does not preclude the fine money from being awarded, and does not necessarily require an adjustment of amount of money finally paid by Commission.
8. Awards should be used to offset the cost of an event to an entire group of people, not for funding individual licensee scholarships or for reimbursement of an individual licensee’s expenses.

Budget

A detailed proposed budget for the total estimated cost of the activity must be submitted with the application, showing all sources of funding. Award recipients will be required to provide an accounting of funds spent at the conclusion of the activity, including copies of receipts for costs incurred. If approved as part of the award, travel costs for mileage, common carrier, hotel and meals will be reimbursed in accordance with [State of Idaho Travel Policies and Procedures](#).

Applications

Submit applications at least 90 days in advance of the activity for which funding is requested. Unsolicited applications are accepted throughout the year.

Answer all questions as completely and descriptively as possible. **Incomplete applications will be returned, which will delay consideration and/or approval.** Be sure to identify the exact legal name of the association or business entity, if applicable, in whose name the award should be made.

Procedure for Consideration

The Education Council reviews all applications and makes recommendations to the Commissioners. Final decisions on award applications are made by the Commissioners. A

completed Education Fund Award application will be placed on the agenda for the next regularly-scheduled Education Council meeting. The completed applications and the Council's recommendations are presented to the Commissioners at their next regularly-scheduled meeting (usually the day after the Education Council meeting).

Applicants will be notified in writing within ten (10) business days following the Commission meeting regarding the offer of an award. Successful applicants will be required to execute an Education Fund Award contract and provide a current form W-9 (if not already on file). Contracts will be prepared and payments made in the name of the applicant or entity stated on the application.

Payment of Awards

Award payments will be processed upon conclusion of the activity and the applicant's submission of the following:

- a. Report on the activity, if applicable, including number of licensees in attendance
- b. Copy of registration form and advertisement(s) for activity, if applicable
- c. Final accounting, including actual receipts or other documentation for all expenses incurred
- d. If the development or enhancement of a course, proof of IREC certification
- e. If the development or enhancement of a course, information on how the course will be made available to Idaho licensees

The final accounting will be compared to the budget submitted with the application. In the event that actual costs vary substantially from the proposed budget, the Commission reserves the right to increase or decrease the actual award amount to maintain the same percentage of funding requested in the application.

Please allow ten (10) business days after submission of the final accounting and other paperwork for processing of the award payment. The payment will be in the form of a State of Idaho warrant mailed to the address on the award application.

Advance payment of awards will be made only in unusual circumstances. Applicants are discouraged from requesting advance payment.

Intellectual Property Rights

Except for Commission-developed courses (e.g., Core course, Brokerage Management & BCOO, Salesperson Prelicense courses, and Instructor Development), ownership in rights to non-Commission courses developed with the use of civil penalty fine money will remain with the author and as provided by applicable intellectual property laws. However, the Commission requires either that a course be actually offered by the developer, or made available for others to offer, for a period of two (2) years following payment of the award.