

IDAPA 33 - IDAHO REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0901

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-2007 and 54-2018(3), Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

THURSDAY - OCTOBER 29, 2009 - 10:00 a.m.

**IDAHO REAL ESTATE COMMISSION
633 N. Fourth Street, Boise, Idaho**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

Section 54-2018(3), Idaho Code, authorizes the Commission to establish the conditions for accepting a late license renewal application. The proposed rule provides that any licensee who applies to renew a license after it has expired must certify whether he or she had practiced real estate after the license expired, and, if he or she has practiced, either agree to pay the fine or request a hearing for that purpose.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: No fee is being imposed or increased.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking: NA

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because interested groups participated in open meeting discussions prior to publication of the rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact: Jeanne Jackson-Heim, Executive Director, Idaho Real Estate Commission, Phone: (208) 334-3285; toll free in Idaho: (866) 447-5411; Fax: (208) 334-2050.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 28, 2009.

DATED this 27th day of August, 2009.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
Phone: (208) 334-3285
Fax: (208) 334-2050

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 33-0101-0901

105. CONDITIONS TO RENEW EXPIRED LICENSE.

The Commission may accept a licensee's application to renew an expired license upon the following conditions:

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01. Payment of Late Fee. The applicant must pay the late license renewal fee established by this chapter;

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02. Renewal After Expiration of Active License. If the license expired on active license status, the licensee must complete and submit with the application, on the form approved by the Commission, one (1) of the following:

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a. A certificate attesting that during the period the license was expired, the licensee did not do or attempt to do any acts described in the definitions of real estate broker or salesperson in Section 54-2004, Idaho Code; or

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b. A certificate admitting that during the period the license was expired, the licensee did or attempted to do an act described in the definitions of real estate broker or salesperson in Section 54-2004, Idaho Code, and either:

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i. Agree to pay the proposed civil fine, which amount will be in accordance with the scheduled amount approved by the Commission by motion; or

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ii. Request a hearing to determine any fine under the procedures set forth in the Idaho Administrative Procedure Act, Chapter 52, Title 67, and the Commission's rules under IDAPA 33.01.02, "Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases."

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03. Investigate or Discipline a Licensee. Nothing in this Section limits the ability of the Commission to investigate or discipline a licensee for violating Subsection 54-2018(3), Idaho Code, or for violating any other provision of the Real Estate License Law or the rules promulgated by the Commission.

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1056. -- 116. (RESERVED).