

**Please return to the O. A. R. by 5:00 p.m., Thursday, September 24, 2009**

**IDAPA 33 - IDAHO REAL ESTATE COMMISSION**

**33.01.02 - RULES OF PRACTICE AND PROCEDURE OF THE IDAHO REAL ESTATE  
COMMISSION GOVERNING CONTESTED CASES**

**DOCKET NO. 33-0102-0901**

**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 Section 54-2007, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) 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:

The proposed rule would provide that a non-Idaho attorney may represent a party and appear before the Commission in a contested case under the procedures for limited admission set forth in Idaho Bar Commission Rule 222.

**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:

There is no negative impact to the general fund as a result of this rulemaking.

**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 20th day of August, 2009.

Jeanne Jackson-Heim  
Executive Director  
Idaho Real Estate Commission  
Physical Address: 633 N. Fourth St., Boise, ID 83702  
PO Box 83720, Boise, ID 83720  
Phone: (208) 334-3285; toll free in Idaho (866) 447-5411; Fax: (208) 334-2050.

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 33-0102-0901**

**208. REPRESENTATION OF PARTIES AT HEARING.**

**01. Appearances and Representation.** To the extent authorized or required by law, appearances and representation of parties or other persons at formal hearing or prehearing conference must be as follows: (7-1-93)

**a.** A natural person may represent himself or herself or be represented by a duly authorized employee or attorney. (7-1-93)

**b.** A partnership may be represented by a partner, duly authorized employee, or attorney. (7-1-93)

**c.** A corporation may be represented by an officer, duly authorized employee, or attorney. (7-1-93)

**d.** A municipal corporation, local government agency, unincorporated association or nonprofit organization may be represented by an officer, duly authorized employee, or attorney. (7-1-93)

**e.** A limited liability company may be represented by a member, a manager or a duly authorized employee or attorney. (7-1-96)

**02. Out-of-State Attorneys.** An attorney who is not an active member of the Idaho Bar may represent a party and appear before the agency if granted limited admission by the Idaho Bar in accordance with the procedure set forth in Rule 222 of the Idaho Bar Commission Rules, provided references in that rule to “the court” shall instead mean the agency. ( )

**023. Representatives.** The representatives of parties at hearing, and no other persons or parties appearing before the agency, are entitled to examine witnesses and make or argue motions. (7-1-93)