

The Real Estate

Comments from the Chair

by Ron Clawson, Commission Chair



Ron Clawson

Nationally, this last year has been noteworthy and difficult for all of us, with the tragedy on September 11, 2001. Although we've all struggled with these events and with the struggling economy, this has been a rather good year at the Commission and we are making progress in offering our licensees more services.

Website & On-Line Services

In 2002 we hope to offer more on-line services such as inputting your own address changes, office and broker transfers, printing your own licenses, completing late renewals and soon educational providers will be able to post your course credits directly to the Commission's database.

Beginning January 1, 2002, for a one-year trial period, the Commission will be absorbing the service fee you pay when you renew on-line. If it is as successful as we anticipate, we hope to be able to extend this offer on a permanent basis. These costs will eventually be offset with a reduction in staff at the Commission due to the increased online services which require fewer man hours for staff.

While our website continues to grow, it was recently awarded 3rd place for "Best Website" from the Association of Real Estate License Law Officials

(ARELLO). We congratulate Joanna Marshall, IREC Webmaster & Information Technology Specialist, for her outstanding work!

Return to Sender

You may have noticed another policy change at the Commission recently. If an incomplete application or renewal is received, we will be returning it immediately to the sender by mail. It is now more important than ever to double check your packet for the necessary information and correct fees. If you are one of those who wait until the last minute to send it in and your packet is incomplete, you may also be looking at a penalty for conducting business with an expired license and be assessed a late fee.

Financially Speaking

We are sensitive to the fact that it is your money that funds the Commission and we are proud to report that our financial condition is the best it has been in recent memory. This is due in large part to lower legal costs and maintaining a watchful eye on the cost of operations. Our staff has done an excellent job of department review, which has resulted in the elimination of one staff position and the implementation of time and labor saving processes. I am pleased to report that our budget cut had already taken place long before the Governor requested one.

Enforcement Activity

Of interest to you may be the following Enforcement Department Telephone Activity Log which covers a time period of October 13, 2001, to November 11, 2001. The calls are broken down in numbers as well as per-

centages:

Type of Call	# of calls	%
Administrative	42	12%
Consumer Education <i>(may start out as complaint)</i>	70	21%
Consumer Complaints	63	18%
Licensee Education <i>(includes all calls to consumers & licensees on filed complaints)</i>	123	36%
Licensee Complaints	43	13%
Total calls	342	100%

As you can see, there are a great number of complaints where no action is taken, but rather the licensee or consumer are provided education from our investigators. We urge you to call whenever you have a question as we are happy to assist you in any way we can.

2002 Legislation

House-Keeping Bill – This bill will allow licensees to print their own licenses rather than the current practice of the Commission retrieving, printing and delivering them. This will pave the way for simple, one-stop shopping with the Commission when it comes to changes in licensing.

A variety of other housekeeping items are also addressed in the bill, including the addition of definitions previously
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The Real Estate

Vol. 21, No. 1 January 2002

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Articles by outside experts express the author's particular viewpoints. These opinions are not necessarily shared by the Commission, nor should they be mistaken for official policy. The articles are included because we feel they will be of interest to the readers. Submissions are solicited; however, articles should not exceed 500 words in length and may be edited as space and content make necessary.

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Please advise the Commission office of any individuals with disabilities needing accommodation.

Idaho Real Estate Commission:

633 North Fourth Street
Boise, Idaho 83702
(208) 334-3285
(866) 447-5411 Toll free in Idaho
(208) 334-2050 Fax
1 800 377-3529 TRS
www2.state.id.us/irec
Mailing address on back cover.

Governor

Dirk Kempthorne

Idaho Real Estate Commission

Ron Clawson, Idaho Falls
Diane Duncan, Coeur d'Alene
Bob Jones, Boise
Steve Kohntopp, Twin Falls

Education Council

Gene Galloway, Pocatello
Gail Heist, Boise
Donna Jones, Boise
Steve Kohntopp, Twin Falls
Beckie Kukal, Jerome
Pam Trees, Lewiston

Editor...Jill Randall

Assistant Editor...Marty Wallis

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contained in rule, clarification of the license expiration date, correction as to when licenses are "terminated" rather than made inactive; and clarification that only entrusted monies relating to a "regulated real estate transaction" may be deposited in the broker's real estate trust account.

Sharing Information with Law Enforcement and Other Agencies – This bill will clarify the Commission's authority to share otherwise non-public audit and investigative information with state and federal law enforcement agencies, state and federal regulatory agencies with enforcement authority, and ARELLO. Confidentiality of information is protected. This bill does **NOT** authorize disclosure of personal information such as the results of background checks for licensing or home addresses and phone numbers.

License Pre-Qualification for Convicted Sex Offenders and Convicted Violent Offenders – This bill gives the

Commission authority to review applications of felons convicted of sex offenses or violent offenses prior to issuing a real estate license. The current 5-year waiting period for all convicted felons does not allow individualized consideration of potentially dangerous convicts and is insufficient to protect the public safety as well as that of other real estate agents.

Continuing Education – Pam Trees, Education Council Chair, discusses these proposed changes to our CE program on page five of this issue of *The Real Estate*. The Commission has proposed these changes because our licensees have been asking for more flexibility and professionalism in continuing education for many years, and this proposal offers both.

This has been a great year at the Commission and I am honored to serve you, the licensee, and the public in this capacity. Please feel free to contact any one of the Commissioners with questions or ideas you may have for the Commission and our industry. 🏠

Staff Changes



Ron Youhouse has joined the Commission assisting in the License and Education departments. Ron grew up in the Navy, living in California, Guam, Hawaii, and the Philippines. He has worked for the Pennsylvania Dept. of Education and the U.S. State Dept. Ron attended Dickinson College in Pennsylvania before relocating to Boise this year. He is currently pursuing a degree in Information Design.

Pat Zaske has transferred to a new combined position assisting in both the License and Accounting Departments. Pat has been with the Commission since August 1998 and has worked in the Education Department as Office Specialist/Librarian for most of that time. Pat brings a wealth of knowledge to her new position and is a great asset to the Commission Staff. Congratulations, Pat!



In Memorium...To Our Friend

It is on a very sad note that the Commission bid farewell to long time employee **Jim Bever**. Jim passed away very unexpectedly August 14, 2001.

Jim started working in the Accounting department at the Commission on September 24, 1990. He served the Commission well with his experience and degree in accounting. He always took the extra time to share his most unique sense of humor with his friends here at the Commission. We can't express in words how special Jim was to all of us. We will miss him dearly. 🏠



Frontier Insurance Update

by Donna Jones, Executive Director



Donna Jones

Current Status: Order of Rehabilitation: The Commission has received numerous inquiries from concerned licensees regarding the stability of Frontier Insurance, the Errors & Omissions (E&O) carrier for the Commission's group policy. This article addresses the most common concerns that have been raised.

Last summer, Frontier Insurance Company filed for and was granted an Order of "voluntary rehabilitation" (similar to a reorganization in bankruptcy). The Court Order directs the New York Dept. of Insurance to take over Frontier and "rehabilitate its business and affairs."

The immediate effect of that Order is to stop, temporarily, the processing of all Frontier claims until such time as the Superintendent of the New York Dept. of Insurance gives his authority to proceed. This could occur any day, or may take weeks or months. Until that time, however, the third-party claims administrator, RISC Insurance, is without authority to do anything with any Frontier claim, including investigate the claim, deny it, pay or settle it, or provide a legal defense for it.

The good news is that *coverage* under the Frontier policy continues and remains in effect. The New York Superintendent of Insurance has assured us

that all claims covered by the policy will be paid eventually. Should the Superintendent's rehabilitative efforts fail and the court order that Frontier be liquidated, Frontier's Idaho claims will be forwarded automatically to the Idaho Insurance Guaranty Association and then processed and paid by that entity as provided by statute.

History and Explanation of the Frontier Situation: The Commission took pro-active steps in an attempt to avoid the current inconvenience to its licensees. When Frontier's economic woes became apparent in the Spring of 2000, the Commission compelled the company to obtain "reinsurance," guaranteeing 100% payment of all claims by an "A" rated company (Clarendon Insurance). That reinsurance remains in effect today, and payment of any Frontier claim made since May 10, 2000, is guaranteed.

Later, and prior to Frontier's filing for Rehabilitation, the Commission signed off on documents re-assigning its E&O contract to an "A" rated company, MEDMARC. Any licensee who purchased new group insurance or who renewed his existing group insurance on or after September 4, 2001, is insured under the new MEDMARC policy, not Frontier. (Under the reassignment, all of Frontier's existing insureds *should* have been transferred to MEDMARC; however the sudden Order of Rehabilitation has prevented that part of the agreement from occurring.)

The Commission knows that the delay in New York has caused frustration to all. Giving some context to the current problem is the fact that the offices for the New York Dept. of Insurance were located a mere two blocks from the World Trade Center, until September 11th. The situation there no doubt has impacted that agency's ability to respond to the Frontier case as it otherwise might.

The Commissioners and Staff appreciate your patience during these times. Be assured we are doing all that we can

to get the Frontier claims processing back on track.

If you have a claim: Licensees with a pending Frontier claim should take note that the New York Supreme Court's "Order of Rehabilitation" specifically prevents any party from pursuing a lawsuit on the claim for 180 days. (A lawsuit can be filed, but no further proceedings on it may be taken.) A copy of that Order is posted on the Commission's website and is available upon request from the Commission office or RISC Insurance. Licensees with questions concerning their coverage with Frontier should call RISC Insurance at 1-800-637-7319.

Future claims: Licensees wishing to avoid the delay as to future claims might consider purchasing another group policy with MEDMARC, the new "A" rated carrier. (Remember, the group policy is a "claims made" policy, and not a "loss incurred" policy, so mistakes that have already been made, but about which no one has yet complained, will be covered.) There is no additional coverage with the second group policy, as the terms, conditions and exclusions of both policies are identical. The only protection that would be purchased with a MEDMARC policy is the guaranty of prompt claims administration, which some licensees might find worthwhile. Licensees interested in purchasing an additional policy should contact RISC Insurance at 1-800-637-7319. The prorated cost is \$12 per month through October 1, 2002.

Again, the Commission regrets the inconvenience and unrest to licensees and appreciates your patience. 

In Memory...

The Idaho Real Estate Commission extends their sympathies to the families of:

Jim Bever, Boise
Gregory Coursey, Boise
Keith Doyle, Coeur d'Alene
Roy Hall, Idaho Falls
Ken Hofferber, Olympia, WA
Kathy Kinderknecht, Boise
Delbert Madsen, Lilburn, GA
John McMahon, Boise
Carl Myers, Mountain Home
Edward Turner, Sandpoint

This article (brochure) has been prepared by the Idaho Real Estate Commission to better inform the public and real estate licensees of the procedures followed during an investigation and disciplinary proceeding. Copies of the Rules of Practice and Procedure are available upon request from the Commission office.

The Commission's authority is to enforce the Real Estate License Law. The Commission does not have the jurisdiction or authority to force a licensee to specifically perform under the terms of a contract, nor may it award damages. The complainant must file a civil action in order to seek specific performance or damages. If the dispute involves \$3,000 or less, the matter may be resolved in Small Claims Court.

The Commission does possess authority to discipline a licensee upon the violation of the *Real Estate License Law and Rules*. Pertinent provisions of the *License Law* provide:

The Commission may investigate the action of any person engaged in the business or acting in the capacity of real estate broker or salesperson within the state of Idaho. The Commission may initiate an investigation at its own discretion or upon receipt of a written complaint from anyone who claims to have been injured or defrauded as a result of such action. A person is acting "within the state of Idaho" if that person is dealing with any interest in real property or a business opportunity involving an interest in real property, which is situated in this state, or is conducting or attempting to conduct or solicit real estate business with residents of the state of Idaho.

The Commission also may investigate and file a formal administrative complaint under this chapter against any person believed to have acted as a real estate broker or salesperson without a license in violation of section 54-2002, Idaho Code.

The Commission or its duly authorized representative is vested with the authority to conduct periodic inspections, surveys and audits of the transaction records and real estate trust ac-

counts of all Idaho licensed designated brokers. If the analysis of the broker's real estate trust account indicates a deficiency or any irregularity which cannot be resolved between the Commission and the broker, the Commission may order a complete audit of the trust account by a certified public accountant at the broker's expense (Section 54-2058(1), (2) and (3) Idaho Code).

The Commission may temporarily suspend or permanently revoke licenses issued under the provisions of this chapter, issue a formal reprimand and impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000), and 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, the Commission's administrative rules or any order of the Commission. The executive director may issue informal letters of reprimand to licensees without civil penalty or cost assessment.

The Commission may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000), and assess costs and attorney's fees for the cost of any investigation and administrative or other proceedings against any person who is found, through a court or administrative proceeding, to have acted without a license in violation of section 54-2002, Idaho Code. The civil penalty provisions of this section are in addition to and not in lieu of any other actions or criminal penalties for acting as a broker or salesperson without a license which might be imposed by other sections of this chapter or Idaho law.

The Commission may also accept, on such conditions as it may prescribe, or reject any offer to voluntarily terminate the license of a person whose activity is under investigation or against whom a formal complaint has been filed (Section 54-2059(1), Idaho Code).

A person found guilty of misconduct while performing or attempting to perform any act requiring an Idaho real estate broker or salesperson's license, regardless of whether the act was for the person's own account or in his capacity

as a broker or salesperson, shall be subject to disciplinary action by the Commission. The following acts shall constitute misconduct within the meaning of this section:

(1) Making fraudulent misrepresentations;

(2) Engaging in a continued or flagrant course of misrepresentation or making of false promises, whether done personally or through agents or salespersons;

(3) Failure to account for or remit any property, real or personal, or moneys coming into the person's possession which belong to another;

(4) Failure to keep adequate records of all property transactions in which the person acts in the capacity of real estate broker or salesperson;

(5) Failure or refusal, upon lawful demand, to disclose any information within the person's knowledge, or to produce any documents, books or records in the person's possession for inspection by the Commission or its authorized representative;

(6) Acting as a real estate broker or salesperson under an assumed name;

(7) Employment of fraud, deception, misrepresentation, misstatement or any unlawful means in applying for or securing a license to act as a real estate broker or salesperson in the state of Idaho;

(8) Using, proposing to use, or agreeing to use a "double contract" as prohibited in section 54-2054(5), Idaho Code;

(9) Seeking or receiving a "kickback" or rebate prohibited in section 54-2054(6), Idaho Code;

(10) Violation of any provision of sections 54-2001 through 54-2097, Idaho Code, or any administrative rule made or promulgated by the Commission or any final order of the Commission;

(11) Any other conduct whether of the same or a different character than hereinabove specified which constitutes dishonest or dishonorable dealings;

(12) Gross negligence or reckless conduct in a regulated real estate transaction. Conduct is grossly negligent or

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(Investigative continued from page 4)

reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of real estate in Idaho (Section 54-2060(1) through (12), Idaho Code).

The Commission may also take disciplinary action against a licensee including, but not limited to, suspension or revocation of a license, where, in a court of competent jurisdiction, the licensee: (a) Has been convicted of a felony, or has been convicted of a misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing or which otherwise demonstrates the licensee's lack of trustworthiness to engage in the real estate business; (b) Has been declared to lack capacity or to be incompetent or under an infirmity, for the duration of such declaration only; (c) Has a judgement entered against the licensee in a civil action upon grounds of fraud, misrepresentation, deceit or gross negligence with reference to a real estate-related transaction (Section 54-2061(1)(a),(b), and (c), Idaho Code).

The Commission may also take any disciplinary action, including, but not limited to, suspension or revocation of a license where the licensee:

(1) Has an order or determination of debarment, suspension, or any limitation on participation in government loan programs issued against the licensee for misconduct; or

(2) Has a license, issued by another jurisdiction, suspended or revoked for a disciplinary violation involving fraud, misrepresentation, or dishonest or dishonorable dealings. A certified copy of the order of the administrative agency in the other jurisdiction shall be prima facie evidence of the suspension or revocation. (Section 54-2062(1) and (2), Idaho Code).

The mere fact that the Commission staff conducts an investigation does not infer that the Commission believes a violation of the law has occurred or that the Commission is charging anyone with a violation of the law. Only after reviewing the evidence resulting from an investigation, might the Commission staff allege that a violation has occurred and

bring charges. Only formal actions taken against a real estate licensee are public record available for inspection. The name and source of the complaint and all other evidence in the investigation file may remain confidential and closed to licensees and to the public.

Whenever a written complaint is received, the Chief Investigator reviews it. He or she may contact the complainant to clarify the nature of the complaint. A photocopy of part or all of the complainant's Verified Complaint will be sent to or given to the licensee in order to facilitate a clear response to the complainant's allegations.

The priority of investigations is normally based upon the date of receipt of the complaint. However, when there may be immediate danger to the public, a complaint may be assigned for investigation earlier than its date of receipt would normally dictate.

If a licensee's activities become the subject of an investigation, generally the following procedures will occur: The investigator will (by phone or by letter) ask the licensee for a written explanation of the transaction. The licensee is usually given a photocopy of the relevant parts of the complaint. The investigator may also contact the licensee in person. If that conference reveals the need for further meetings, the licensee is expected to set another time convenient to both that would not unreasonably delay the completion of the investigation. When the investigator contacts a licensee, the investigator may indicate what, if any, documents to bring to the conference. The licensee should make every effort to make that material available. If it is necessary for the investigator to take the originals to another place to be copied, the licensee should ask the investigator for a receipt detailing what originals are taken and indicating when they will be returned. Generally, a licensee will be required to produce documents related to a real estate transaction that might normally be kept in the office file (for example, listing contracts, sales contracts, trust accounting records, and closing statements, etc.).

After this initial investigation is completed, the Chief Investigator has three options. First, further investigation may

IREC Calendar

Commission Meetings

January 11
February 21
March 21
April 18
May 23
June 20
July 17-18

Education Council Meetings

February 20
April 17
July 19

Train the Trainer/CE Pilot Program Combination Workshop

May 21-22

ASI Exam Development Workshop

April 16

be conducted. Second, if the facts clearly indicate there is insufficient evidence of a violation of the *License Law*, the investigative file may be closed and notification sent to the complainant and respondent licensee. Third, if there is sufficient evidence that a violation has occurred, the Chief Investigator will refer the case to the Executive Director.

When a case is referred to the Executive Director, essentially the same procedures are followed. Based on the facts presented, the Executive Director decides whether the matter should be investigated further, dismissed, sent to the Commission's attorney, or if a "Staff Letter of Reprimand" should be initiated.

If there appears sufficient evidence of a violation, a "Notice of Intent to File a Formal Complaint" may be drawn and sent to the licensee. The "Notice of Intent" generally sets forth the alleged conduct of the licensee deemed a violation of the law and/or rules, and gives the licensee fifteen (15) days to reply and/or set up an appointment with the Executive Director and/or staff to supply any evidence the licensee may have to the contrary. The licensee may respond to the "Notice of Intent" in one of two ways: (1) The licensee may deny all

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Questions & Answers

by Craig Boyack, Inspector, and Les Lake, Investigator

Question: Do we still need to fill out the buyers representation agreement and hand out “blue” brochures? We were told that the new purchase & sales forms took care of all that.

Answer: There has been some misinformation floating around that the newest forms will properly cover these agency issues. Yes, you **ARE** still required to hand out the “blue brochure” at the first substantial business contact. When representing a party in a transaction, you must fill out the proper agency representation agreement no later than the preparation of the purchase and sale agreement. These requirements apply to both buyers and sellers.

Question: If I am a principle in a real estate transaction, do I still need to fill out an agency representation agreement?

Answer: Yes. All Idaho licensees must represent themselves if they are a

principle to a transaction. The proper “representation agreements” must be filled out and be kept in the broker’s files. There is no waiver of requirements when a licensee buys or sells property. You must remember to give yourself a “blue brochure” and get a receipt for this brochure. Brokers should look for these items when they review their transaction files.

Question: Does the listing agent or selling agent have a duty to disclose an adverse material fact to the “other” party involved in the transaction?

Answer: Yes. Where the listing or selling agent have a signed Seller or Buyer Representation Agreement with one party to the transaction, they still have a duty to disclose any and all adverse material facts to the other party in the transaction. The agent must treat the other party, (seller or buyer) as a “customer”. Even when the other party

has signed a Seller or Buyer Representation Agreement with another agent and is represented as a “client” by the other agent, the listing or selling agent has a duty to treat the buyer or seller as a “customer”. This duty is identified at Idaho Code 54-2086(d) and (e) as follows:

“To disclose to the **buyer/customer** all adverse material facts actually known or which reasonably should have been known by the licensee.”

“To disclose to the **seller/customer** all adverse material facts actually known or which reasonably should have been known by the licensee.”

Question: Does the seller or buyer have the right to “unilaterally” cancel a Seller or Buyer Representation Agreement?

Answer: Yes. Either party to the agreement has the right to “unilaterally” cancel a Seller or Buyer Representation Agreement without the consent of the other party. It is best for the parties to agree to the cancellation of the contract, which fully terminates the agreement. Although, it can be done with or without the other party’s consent and with or without “good cause”.

Unilateral cancellation of the agreement is essentially breaking the contract and may be upheld as justifiable in court. If an agreement cannot be reached between the parties, it is up to the courts to determine what “damages” (if any) should be awarded.

The Idaho Real Estate Commission usually cannot become involved in a cancellation dispute. The Commission does not have any legal authority to determine whether or not a “unilateral” cancellation is appropriate and has published its position at Guideline #1: Cancellation or Withdrawal of Listings. 

How to Contact us...

(208)334-3285 phone
(866)447-5411 toll free in Idaho
(208)334-2050 fax
www2.state.id.us/irec

Accounting

Charlie Hendrix, Management Asst.
Pat Zaske, Office Specialist

Extension

ext. 228
ext. 222

E-Mail Address

chendrix@irec.state.id.us
pzaske@irec.state.id.us

Administration

Donna Jones, Executive Director
Kim Coster, Deputy Attorney Gen.
Joanna B. Marshall, ITT/Web Master
Kathy Roller, Administrative Asst.

ext. 232
ext. 235
ext. 230
ext. 229

djones@irec.state.id.us
kcoster@irec.state.id.us
jmarshall@irec.state.id.us
kroller@irec.state.id.us

Education

Jill Randall, Education Director
Marty Wallis, Education Asst.
Ron Youhouse, Office Specialist

ext. 234
ext. 226
ext. 223

jrandall@irec.state.id.us
mwallis@irec.state.id.us
ryouhous@irec.state.id.us

Enforcement

Terry Ruettgers, Chief Investigator
Les Lake, Investigator
Craig Boyack, Inspector
Stephanie McLarin, Enforcement Sec.

ext. 237
ext. 231
ext. 231
ext. 225

truettge@irec.state.id.us
llake@irec.state.id.us
cboyack@irec.state.id.us
smclarin@irec.state.id.us

Licensing

Neal Bernklau, Licensing Supervisor
Pat Zaske, Office Specialist
Ron Youhouse, Office Specialist

ext. 227
ext. 222
ext. 223

nbernkla@irec.state.id.us
pzaske@irec.state.id.us
ryouhous@irec.state.id.us

Course Schedules *January - June 2002*

Following are courses scheduled by approved real estate course providers. Fees are subject to change without notice and may not include textbook costs. Advise the provider of any disabilities needing accommodations. To register for a course, contact the sponsoring provider as listed below. Preregistration is required at least one week in advance of the start of the classes. All courses are subject to minimum enrollment and *may be canceled* according to student demand.

Essentials of Real Estate

(45 hours—Required course for sales license. Intended for the beginner in real estate who has little, if any, previous knowledge in the field. A solid core of fundamental concepts will be studied.)

Location	Dates	Cost	Provider	Phone #
Correspondence (FinC201)		\$295	UofI-IS	877-464-3246
Correspondence (RE305X)		\$390	WSU	800-222-4978
Boise	Jan. 2-4,7-9	\$275	PRES	208-377-9247
	Jan. 2-Feb. 11	\$275	Pioneer	208-377-4300
	Jan. 7-11, 14	\$275	Pioneer	208-377-4300
	Feb. 4-8, 11	\$275	Pioneer	208-377-4300
	Feb. 6-8, 11-13	\$275	PRES	208-377-9247
	Feb. 13-Mar. 25	\$275	Pioneer	208-377-4300
	Feb.27-28,Mar.1-6	\$275	PRES	208-377-9247
	Mar. 4-8, 11	\$275	Pioneer	208-377-4300
	Mar. 27-May 6	\$275	Pioneer	208-377-4300
	Apr. 1-5, 8	\$275	Pioneer	208-377-4300
	Apr. 3-10	\$275	BSU	208-426-1974
	Apr. 3-5, 8-10	\$275	PRES	208-377-9247
	Apr.29-30,May1-3,6	\$275	Pioneer	208-377-4300
	May 1-3, 6-8	\$275	PRES	208-377-9247
	May 28-31, June 3	\$275	Pioneer	208-377-4300
	June 5-7, 10-12	\$275	PRES	208-377-9247
Hailey	Mar. 11-13, 25-27	\$312	CSI	208-733-9554
Idaho Falls	Computerized	\$267	EITC	208-524-3000
	Feb. 21-Mar. 2	\$267	EITC	208-524-3000
Lewiston	Mar. 14-23	\$230	LCSC	208-799-2442
Nampa	Feb. 6-13	\$275	BSU	208-426-1974
Pocatello	Computerized	\$215	ISU	208-282-3372
	Mar. 11-23	\$215	ISU	208-282-3372
Post Falls	Computerized	\$225	NIC	208-769-3444
	Jan. 3-12	\$225	NIC	208-769-3444
	Mar. 1-11	\$225	NIC	208-769-3444
	May 1-10	\$225	NIC	208-769-3444
Twin Falls	Jan. 15-Mar. 14	\$312	CSI	208-733-9554

Real Estate Practices

(45 hours—Required course for sales license. Designed for the student who has a basic understanding of the fundamental concepts of real estate. A study of the applied skills involved in the listing, selling, buying and closing of residential property. To prepare students to perform satisfactorily as a beginner in the real estate business. Completing Practices and its prerequisite satisfies the educational requirements for a salesperson's license.

Location	Dates	Cost	Provider	Phone #
Boise	Jan. 8-Feb. 14	\$275	Pioneer	208-377-4300
	Jan. 10-11, 14-17	\$250	PRES	208-377-9247
	Jan. 15-18, 21-22	\$275	Pioneer	208-377-4300
	Feb. 12-15, 18-19	\$275	Pioneer	208-377-4300
	Feb. 14-15, 18-21	\$250	PRES	208-377-9247
	Feb. 19-Mar. 28	\$275	Pioneer	208-377-4300
	Mar. 7-8, 11-14	\$250	PRES	208-377-9247
	Mar. 12-15, 18-19	\$275	Pioneer	208-377-4300
	Apr. 2-May 9	\$275	Pioneer	208-377-4300
	Apr. 11-12, 15-19	\$250	PRES	208-377-9247
	Apr. 12-19	\$275	BSU	208-426-1974
	Apr. 9-12, 15-16	\$275	Pioneer	208-377-4300
	May 7-10, 13-14	\$275	Pioneer	208-377-4300

Practices *(continued)*

Location	Dates	Cost	Provider	Phone #
Boise	May 9-10, 13-16	\$250	PRES	208-377-9247
	June 5-7, 10-12	\$275	Pioneer	208-377-4300
	June 13-14, 17-20	\$250	PRES	208-377-9247
Hailey	Apr. 8-10, 22-24	\$312	CSI	208-733-9554
Idaho Falls	Mar. 14-23	\$267	EITC	208-524-3000
Lewiston	Apr. 4-13	\$230	LCSC	208-799-2442
Nampa	Feb. 15-22	\$275	BSU	208-426-1974
Pocatello	Mar. 27-Apr. 3	\$215	ISU	208-282-3372
Post Falls	Feb. 4-14	\$225	NIC	208-769-3444
	Apr. 8-16	\$225	NIC	208-769-3444
	June 3-13	\$225	NIC	208-769-3444
Twin Falls	Apr. 1-3, 8-10	\$312	CSI	208-733-9554

Alternative Finance

(20 hours—Elective course for broker's license. Designed as an introduction to creative financing. It examines why "creative" financing is necessary and contains "tools" for creative financing.

Location	Dates	Cost	Provider	Phone #
Coeur d'Alene	Jan. 14-16	TBD	IAR	208-342-3585

Areas of Real Estate Specialization

(30 hours—Two modules designed to educate and train persons in the residential real estate brokerage business in which their primary activity is the brokering of single-family home ownership property, and includes a variety of topics in specialized fields.)

Location	Dates	Cost	Provider	Phone #
Boise(Mod.1)	Feb. 5-6	TBD	IAR	208-342-3585
Boise(Mod.2)	Feb. 7-8	TBD	IAR	208-342-3585
Coeur d'Alene(Mod.2)	May 16-17	TBD	IAR	208-342-3585

Brokerage Management

(30 hours—Required course for broker's license. Intended to help a person understand how to set up and run a real estate brokerage office and emphasizes the application of management techniques required for the brokerage operation.)

Location	Dates	Cost	Provider	Phone #
Boise	Jan. 22-23, 30-31	\$250	PRES	208-377-9247
	Feb. 25-28	\$250	Pioneer	208-377-4300
Nampa	Jan. 30-Feb. 5	\$250	BSU	208-426-1974
	May 30-June 4	\$250	BSU	208-426-1974
Post Falls	Mar. 15-20	\$235	NIC	208-769-3444
Twin Falls	May 2-3, 9-10	\$251	CSI	208-733-9554

Finance

(30 hours—Elective course for broker's license. Designed as an introduction to real estate financing and includes a study of the sources and application of funds, the financial instruments commonly used, institutional structures and policies, and loan processing. Each student must be familiar with a financial calculator prior to enrolling.)

Location	Dates	Cost	Provider	Phone #
Correspondence (BUS262A)		\$295	UofI-IS	877-464-3246

Finance (continued)

Location	Dates	Cost	Provider	Phone #
Boise	June 24-27	\$250	Pioneer	208-377-4300
Nampa	March 7-15	\$250	BSU	208-426-1974
Twin Falls	Feb.14-15,21-22	\$251	CSI	208-733-9554

Law

(30 hours—Required course for broker's license. Designed for the real estate professional as a course in the general principles of law governing the interest in real estate, and to acquaint the student with how the law works, but is not intended to be a substitute for competent legal counsel.)

Location	Dates	Cost	Provider	Phone #
Correspondence (BUS263)		\$295	UofI-IS	877-464-3246
Boise	Jan. 29-Feb. 1	\$295	Pioneer	208-377-4300
Nampa	Feb. 14-22	\$295	BSU	208-426-1974
Pocatello	Apr. 2-5	\$215	ISU	208-282-3372
Twin Falls	Mar.7-8,14-15	\$251	CSI	208-733-9554

Valuation & Analysis

(20 or 30 hours—Elective course for broker's license. An introductory course covering the purpose of appraisals, the appraisal process and the different approaches and techniques used to determine the value of various types of property. Emphasis will be on employing the process in residential brokerage.)

Location	Dates	Cost	Provider	Phone #
Boise	Apr. 17-18	\$250	Pioneer	208-377-4300
Twin Falls	Apr.11-12,18-19	\$251	CSI	208-733-9554

Business Conduct & Office Operations

(4 hours—CE elective approved—Designed for brokers, sales associates, secretaries, bookkeepers, and other s to acquaint them with current laws, rules and procedures governing the handling of client funds, and to assist real estate brokers in developing good record keeping & business practices for their firms.)

Location	Dates	Cost	Provider	Phone #
Correspondence		\$20	IREC	866-447-5411
Burley	Jan. 18	\$20	IREC	866-447-5411
Pocatello	Feb. 22	\$20	IREC	866-447-5411

Continuing Education-- IREC Core & Elective

(12 hours—Designed to assure that licensees are provided with information regarding new and changing laws and regulations which affect the real estate business, and to insure that consumers, whose interests could be hurt by unknowledgeable licensees, are protected.)

Location	Dates	Cost	Provider	Phone #
Video/Audio Rentals*		\$25	IREC	208-334-3285
Video*		\$25	NIC	208-769-3444
* Does NOT include exam				
Boise	Jan. 23-24	\$80	Pioneer	208-377-4300
	Jan. 24*	\$80	PRES	208-377-9247
	Jan. 24-25	\$80	BSU	208-426-1974
	Feb. 20-21	\$80	Pioneer	208-377-4300
	Feb. 25*	\$80	PRES	208-377-9247
	Feb. 25-26	\$80	BSU	208-426-1974
	Mar. 20-21	\$80	Pioneer	208-377-4300

Continuing Education

Commission Core & Elective (continued)

Location	Dates	Cost	Provider	Phone #
Boise	Mar. 21*	\$80	PRES	208-377-9247
	Mar. 21-22	\$80	BSU	208-426-1974
	Apr. 17-18	\$80	Pioneer	208-377-4300
	Apr. 22*	\$80	PRES	208-377-9247
	Apr. 22-23	\$80	BSU	208-426-1974
	May 15-16	\$80	Pioneer	208-377-4300
	May 23*	\$80	PRES	208-377-9247
	May 23-24	\$80	BSU	208-426-1974
	June 13-14	\$80	Pioneer	208-377-4300
	June 24*	\$80	PRES	208-377-9247
	June 24-25	\$80	BSU	208-426-1974
	Idaho Falls	Feb. 1*	TBD	IAR
Ketchum	Mar. 7*	\$105	IAR	208-342-3585
Lewiston	Apr. 26-27	\$85	IAR	208-342-3585
Nampa	Jan. 28-29	\$80	BSU	208-426-1974
	Feb. 27-28	\$80	BSU	208-426-1974
	Apr. 25-26	\$80	BSU	208-426-1974
	May 28-29	\$80	BSU	208-426-1974
	June 26-27	\$80	BSU	208-426-1974
	Pocatello	Apr. 19-20	\$100/125	IAR
Post Falls	Jan. 9-10	\$79	NIC	208-769-3444
	Feb. 6-7	\$79	NIC	208-769-3444
	Mar. 6-7	\$79	NIC	208-769-3444
	Apr. 10-11	\$79	NIC	208-769-3444
	May 3-4	\$79	NIC	208-769-3444
	June 5-6	\$79	NIC	208-769-3444
Sandpoint	Mar. 12-13	\$79	NIC	208-769-3444
Twin Falls	Mar. 28-29	\$115	CSI	208-733-9554

*Core Only. Separate elective offered (see below).

Continuing Education--Electives

(The following courses have been approved for 4 hours of continuing education elective credit. An elective, along with the 8-hour core course will satisfy the education requirement for an active broker or salesperson renewal.)

Location	Dates	Cost	Provider	Contact Info.
Distance Learning		\$44.99	Computaught	800-532-7649
			ADA and Fair Housing	realestatewebschool.com
			Consensual Dual Agency	
			Ethics in Real Estate	
			Real Estate Math	
			Tax Free Exchanges	
Distance Learning		\$99	Dearborn	312-836-4400
			Environmental Issues in Your RE Practice	REcampus.com
			Introduction to Commercial Real Estate Sales	
			Property Management and Managing Risk	
			Real Estate & Taxes: What Every Agent Should Know	
			Red Flags Property Inspection Guide	

Location	Dates	Cost	Provider	Phone #
Cracking the Code-Understanding Code of Ethics				
Boise	Jan. 25	TBD	PRES	208-377-9247
	Feb. 26	TBD	PRES	208-377-9247
	Mar. 22	TBD	PRES	208-377-9247
Boise	Apr. 23	TBD	PRES	208-377-9247
	May 24	TBD	PRES	208-377-9247
	June 25	TBD	PRES	208-377-9247
Idaho Falls	Feb. 2	TBD	IAR	208-342-3585
Ketchum	Mar. 8	TBD	IAR	208-342-3585



News Release

Idaho Department Of Water Resources

1301 N. Orchard St., Boise, ID 83706 - TEL: (208) 327-7900 FAX: (208) 327-7866
Internet Homepage: <http://www.idwr.state.id.us/idwr/idwrhome.htm>

LARGE LOT PROPERTY OWNERS MAY REQUIRE WATER RIGHT BEFORE IRRIGATING LAND

For Immediate Release. For media information contact: Dick Larsen - (208) 327-7933

Boise, Idaho - Oct. 15, 2001

State water managers are finding an increasing number of residents with homes on large lots who appear to be violating Idaho water law by using a well drilled for domestic use to irrigate more than half an acre of land without a valid water right, the Idaho Department of Water Resources said today.

The problem appears particularly prevalent in areas of small ranchettes, parcels of land typically 3-5 acres in size, an increasingly popular attraction for up-scale homes.

With Idaho locked in a severe drought, water right agents have intensified efforts to reduce unauthorized use of water around the state. IDWR is

using satellite imagery combined with on-site visits to check subdivisions with larger lots where no water rights exist and are finding evidence that landscaping, pastures and other areas are being illegally irrigated.

Officials say people who fall in this category must either stop irrigating more than half an acre of land or obtain a valid water right to irrigate the extra land.

IDWR believes property owners not familiar with Idaho water law may mistakenly believe that a domestic well can be used to supply groundwater to the home and to irrigate pasture land, supply water for aesthetic or wildlife storage ponds or to water landscaping throughout the entire property.

But that is not true. Irrigating more than one-half acre of land from a domestic well without an appropriate water right amounts to diverting water illegally and subjects the person to being issued a notice of violation and the

assessment of civil penalties.

A provision in Idaho water law gives a property owner who obtains a permit to drill a well the right to use that water for household uses, to irrigate up to one half acre of land, to water a limited number of stock, and certain other uses, up to a maximum of 13,000 gallons per day. A recorded water right is not required in these instances.

Idaho newcomers often believe buying property in the state automatically gives them a valid Idaho water right or that the presence of a well means an unrestricted water right exists. However, neither is true. Just because the property has a well does not automatically mean there are valid rights to use that water to irrigate more than 1/2-acre of land, agents caution. Just buying a piece of property also does not entitle the owner to use water for activities that require a water right unless a water right is already appurtenant to the property when the property is purchased.

HONOR ROLL

Offices with **NO** Audit Violations!

(from May 11, 2001, through October 31, 2001)

Office Audits Conducted 161
Offices With No Violations 20
** Limited Activity Offices*

- Larry P. Barnes**, LP Barnes Real Estate, Arco
- Thomas Brickert**, Brickert Realty, Post Falls*
- Nathan Brumley**, Heartland & Associates, Meridian
- William Clarich**, Waldo Real Estate, New Plymouth
- Marte Cliff**, Cliff Realty, Priest River
- Larry Cunningham**, Cunningham Realty, Blanchard
- Susan Engelmann**, Renfro Engelmann, Ketchum
- John Fairchild**, Heartland Real Estate, Blackfoot
- Arlene K. Gillispie**, Realty World Horner West Real Estate, Weiser
- Jack Grenberg**, Black Bear Realty, Sandpoint
- Lynda Hoggan**, Cabin Creek Realty, Challis

- Larry Kelsey**, River Valley Real Estate, Blackfoot
- Karl Steven Laws**, Clearwater Realty, Orofino
- Barry Solk**, Hometown Realty, Salmon
- Joanne Stark-Wetherell**, RE/MAX of Sun Valley, Sun Valley
- Craig Sternberg**, Appraisal Services, Hayden*
- John Tolk**, Landwatch Real Estate, Twin Falls*
- Jay D. Webb**, Coldwell Banker Eagle Rock, Idaho Falls
- John R. White**, Ray J. White & Sons, Lewiston
- James E. Windmiller**, Realty Executives of Eastern Idaho, Idaho Falls

Disciplinary Actions

Formal actions issued by the Idaho Real Estate Commission:

Alexander, Eunice Maria, sales associate with Century 21 1st Place Realty in Boise and previously with Pinnacle Properties in Caldwell. Voluntary surrender and permanent termination of her Idaho real estate license.

Baxter, Michael L., designated broker of Realty One Baxter and Associates in Boise. Stipulated to violation of section 54-2079, Idaho Code (I.C.)—failure to notify the Commission in writing when terminating a licensee for violations of License Law. Given a formal reprimand; required to pay a civil fine of \$500 and pay costs and attorney fees.

Jones, Mark L., sales associate with Westerra Group Inc., in Twin Falls. Voluntary surrender and permanent termination of his real estate license.

Meienhofer, Katharina “Karin”, sales associate formerly associated with Prudential Idaho Properties in Boise. Voluntary surrender and permanent termination of her real estate license.

Starace, Michael J., sales associate with Coldwell Banker Aspen Realty in Boise. Violation of section 54-2040B(a) I.C.—convicted of a felony. Real estate license revoked, but withheld and license suspended for the period of his probation in case #CR-99-08734*C; ordered to continue to pay renewal fees; may reinstate real estate license upon successful completion of probation and completion of current continuing education requirements; license to be revoked immediately if probation is violated; required to pay costs and

attorney’s fees. 10/17/00-Motion for Reconsideration and Clarification of Final Order. 10/20/00- Order on Motion for Reconsideration and Clarification of Final Order. 10/27/00-Appealed to District Court. Motion for Stay of Final Order hearing held 11/14/00. Motion for Stay denied 11/25/00. Appeal to District Court denied 9/19/01. Petitioned for Order allowing monthly payments filed 10/16/01. Order extending monthly payments issued by Commissioners 10/25/01.

Swope, Michael J., associate broker with Group One Inc., in Boise. Stipulated to violation of section 54-2087(3)(a) I.C.—failure to disclose an adverse material fact. Given a formal reprimand for his actions; ordered to pay a \$1,000 civil fine and costs and attorney’s fees.

Wessels, Leroy L., sales associate with Keller Williams Realty in Boise, and formerly with Holland Realty in Boise. Stipulated to violations of I.C. sections 54-2051(1)—failure to present offers in a timely manner; 54-2060(12)—gross negligence or reckless conduct; 54-2087(3)—failure to promote the best interest of a client in good faith, honesty and fair dealing; and 54-2060(10). Given a formal reprimand; required to pay a civil fine of \$5,000; pay costs and attorney’s fees; and complete an ethics course.

Designated brokers, associate brokers or salespersons issued a civil penalty fine for violation of sections 54-2002, 54-2018(2), and 54-2060(10) I.C.—failure to renew license in a timely manner, and continuing to practice as a licensee after license had expired:

Crawford, Mary Jo, salesperson with Coldwell Banker Classic Properties in Payette. Civil penalty fine of \$50.

Flora, Tannan, salesperson with Dave W. Kallas & Associates Cloud “9” in Boise. Civil penalty fine of \$50.

Goicoechea, Carl Jr., salesperson with John L. Scott BOI: Park Pointe Realty Inc., in Boise. Civil penalty fine of \$50.

Greif, Richard I., salesperson with RE/MAX Tri-Cities LLC, in Fruitland. Civil penalty fine of \$100.

Gunstream, Jarrell W. “Jerry”, designated broker with Gunstream Commercial Real Estate in Nampa. Civil penalty fine of \$70.

Irwin, John P., salesperson with Irwin Realty in Twin Falls. Civil penalty fine of \$100.

Kirkman, Jerald R., salesperson with RE/MAX Capital City in Boise. Civil penalty fine of \$150.

Martin, James E., salesperson with Lifestyle Real Estate in Priest River. Civil penalty fine of \$100.

Marx, Amy E., designated broker with Idaho Mountain Real Estate: Arvik Enterprises, LLC, in Sun Valley. Civil penalty fine of \$140.

Miller, Alonzo H., salesperson with Windermere Real Estate/Richard B. Smith Inc., in Boise. Civil penalty fine of \$50.

Stroble, Janet E., designated broker with Carey Realty in Orofino. Civil penalty fine of \$70.

Designated brokers issued a civil penalty fine for violation of sections 54-2038(3) and 54-2060(10), I.C.—failure to adequately supervise by allowing an unlicensed person to represent the broker:

Bass, Robert, designated broker with John L. Scott BOI: Park Pointe Realty Inc., in Boise. Civil penalty fine of \$50.

Kallas, Dave W., designated broker with Dave W. Kallas & Associates Cloud “9” in Boise. Civil penalty fine of \$50.

Mayes, Blake, designated broker with RE/MAX Capital City in Boise. Civil penalty fine of \$150.

Skelly, Phil L., designated broker with RE/MAX Tri-Cities LLC, in Fruitland. Civil penalty fine of \$100.

Smith, Geoffrey B., designated broker with Windermere Real Estate/Richard B. Smith Inc., in Boise. Civil penalty fine of \$50.

Stejer, James A., designated broker with Lifestyle Real Estate in Priest

(continued on page 11)

License Stats

Active (broker & sales)	5,102
Active brokers	1,713
Active sales	3,389
Inactive (broker & sales) ..	1,646
Inactive brokers	376
Inactive sales	1,270
Active Companies	989

(Disciplinary from page 10)

River. Civil penalty fine of \$100.

Veeh, Robert E., designated broker with Irwin Realty in Twin Falls. Civil penalty fine of \$100.

Williams, Jeffrey Thomas, designated broker with Coldwell Banker Classic Properties in Payette. Civil penalty fine of \$50.

The following designated brokers have been issued citations for violations found during their audits:

Anderson, Donald F., designated broker with Lakeshore Realty in Coeur d'Alene.

Bond, Jeffrey S., designated broker with Panhandle Kaniksu Real Estate in Sandpoint.

Breazeal, Rose Marie, designated broker with Tomlinson Black Silver Valley in Kellogg.

Caldwell, Roxann, designated broker with Inland Empire Real Estate, in Coeur d'Alene.

Cash, Judy Lynn, designated broker with Sun Land Investments in Bellevue.

Clark, Gary A., designated broker with Clark Real Estate Company in Pocatello.

Clark, Marshall K., designated broker with Clark Pacific Real Estate in Bayview.

Davis, Daniel L., designated broker with Davis Realty & Associates in Coeur d'Alene.

Dixon, Preston, designated broker for Salmon River Realty in Challis.

Eagan, Timothy D., designated broker with Eagan Real Estate in Sun Valley.

Fisher, Kelly, designated broker with The Network Real Estate Group in Pocatello.

George, Carol Jane, designated broker with RE/MAX 1st Place Realty Twin Falls LLC, in Twin Falls.

Greaves, Gordon, designated broker with Canyon Rim Realty in Twin Falls.

Hess, Walter, designated broker for Gem State Realty, Inc., in Twin Falls.

Hill, Sandra, designated broker with

Way Out West Realty in Challis.

Howard, Sally J., designated broker with Group One Inc. in Boise.

Hoyd, Dale K., designated broker for Realty Executives of Treasure Valley in Boise.

Hudson, Gordon J., designated broker with The Property Shoppe at Priest Lake in Priest River.

Hulstrom, Karen S., designated broker with Silver Heritage Realty in St. Maries.

Jones, Mary Ann, designated broker with John L. Scott POB in Priest River.

Kerby, Darrell W., designated broker with Pace-Kerby & Company in Bonner's Ferry.

Lash, Toni, designated broker with Ski Country Idaho in Ketchum.

Link, Joyce E., designated broker with J P Link Associates in Coeur d'Alene.

Mayes, Blake, designated broker with RE/MAX Capital City in Boise.

McCanlies, Donald J., designated broker with Coldwell Banker Resort Realty in Sandpoint.

Moody, James B., designated broker with All Around Realty in Grangeville.

Mueller, Tim A., designated broker with Tomlinson Black North Idaho, Inc., in Coeur d'Alene.

Mulick, Lani Ann, designated broker with Code of the West Realty in Mackay.

Murray, Michael Jon, designated broker with Rossi Insurance Company in Wallace.

Osier, Joseph R., designated broker with J&J Realty in Boise.

Parrish, Charles E., designated broker with Evergreen Realty & Investments in Sandpoint.

Ragains, Tamara, designated broker with Kamiah Properties in Kamiah.

Reece, Robert, designated broker with Archibald-Reese Real Estate, Inc., in Rigby.

Reynolds, Alan J., designated broker with Sun Valley-Elkhorn Resort Realty in Sun Valley.

Schons, Roy N., designated broker with The Real Estate Connection in Coeur d'Alene.

Sleezer, Marty M., designated broker with Total Realtors, Inc., in Wallace.

Smith, Geoffrey B., designated broker with Windermere Real Estate-Richard B. Smith in Boise.

Smock, Donald R., designated broker with Windermere Coeur d'Alene Realty in Coeur d'Alene.

Stejer, James A., designated broker with Lifestyle Real Estate in Priest River.

Stejer, James A., designated broker with Lifestyle Real Estate in Coeur d'Alene.

Stevens, Marjorie S., designated broker with Sommerfeld Realty in Clark Fork.

Stewart, Marita T., designated broker with Lake Country Real Estate in Sandpoint.

Stroble, Janet E., designated broker with Carey Realty in Orofino.

Taylor, E. Frank, designated broker with Hubble Homes, LLC, in Meridian.

Ward, Cynthia L., designated broker with Cornerstone Realty, Inc., in Hailey.

Ward, Douglas P., designated broker with Sundance Realty in Bayview.

Wemhoff, Wilfred, designated broker with Wemhoff & Harman in Cottonwood.

Wolfley, Kim, designated broker with Western Realty in Blackfoot.

Youngwirth, Michael D., designated broker with River City Realty, Inc., in Post Falls. 

**The Commission's Toll Free Number
(within Idaho) is (866) 447-5411**

There Is Light at the End of the Tunnel

by Pam Trees, Education Council Chair



Sometimes in life we get so caught up in life's ordinary routines, we almost forget what "change" is like. It's interesting how people react differently to change. There is a sign hanging in my office that simply says "no boundaries". It inspires me to move beyond the tunnel of daily routine and to think in the abstract, toward the future. I, personally, find change exciting. I've found that in most cases, given a chance, "change" can be the beginning of a bright future.

When the Education Council began to research restructuring of the continuing education program, we considered the real estate industry as a whole and the direction real estate education should take. Today, the pace of the industry is faster than ever, the expertise deeper, the technology more complex. Real estate has become an ever-changing business that requires an educated agent to maneuver. Our liability has increased in a myriad of ways (lead paint, mold, fair housing, ADA, etc.), laws have changed the way we do business (agency, trust accounting, etc.), and our practice has been swept away with the buzz of technology (PDAs, on-line licensing, websites, virtual reality showings, etc.). How do you survive as a real estate agent in these times?

I believe that knowledge is a form of wealth, right up there with land, labor, and capital. If the real estate agent wants to survive to see the light at the end of the tunnel, then we all must build on that wealth of knowledge.

Continuing education has been in place since 1989. Since then our CE program has educated us on each of the above issues, and kept us current with the changing face of real estate. Many licensees have come to realize the benefits of taking the program each year rather than completing it only once

every two years as required by law. We've come to realize that continuing education is much more than a license requirement—it is a necessity for business success.

This Legislative session, the Commission is proposing the CE hours increase from 12 to 20 every two years. The Commission will begin offering 4-hour "Core" classes, while the balance of the requirement can be met in approved elective hours. Private providers are taking advantage of the opportunity to offer quality educational

courses, and agents are taking advantage of the opportunity to choose which courses best fit their individual practice.

The legislation also includes much more flexibility in obtaining credit. To

encourage you to stay abreast of changes in the law and practice, the Core course can be taken each year (you will receive credit for taking the core the first year, and then receive elective credit the second year). Courses can be repeated in separate renewal periods (which allows credit for REALTOR® ethics training). You can receive CE credit by attending a Commission meeting where you will gain insight into Commission proceedings, disciplinary actions, education, licensing and enforcement

issues. CE credit will be awarded for broker-level courses (Law, Finance, GRI, Valuation, etc.), encouraging you to go forward with advanced education and broker licensing.

To encourage licensees to complete advanced level and specialty education, the legislation also allows credit for completion of national designation courses (CRS, CCIM, etc.) within approved real estate subjects. It allows credit for other states' approved CE courses (for example, taking CE for real estate license in Washington will be accepted in Idaho) and courses taken for any real estate related professional or occupational license (appraiser, legal, etc.) within approved real estate subjects.

As you can see, the Commission is moving out of the tunnel toward a bright future!

There is a general upsurge in the desire to improve the image of real estate agents. This comes from the public as well as the industry itself. We've heard your calls and read your mail asking for more quality and quantity of courses, and we are listening.

Remember, Idaho education will always have changes. Let's all look forward to the future, communicating with each other, and striving for the most educated licensees in America. 🏠

"...continuing education is much more than a license requirement—it is a necessity for business success."



Joan Brawley Named "Educator of the Year 2001"

The Education Council presented the 2001 Educator of the Year award to Ms. Joan Brawley on Wednesday, October 10, 2001, at the Train the Trainer Workshop.

Joan is currently certified to teach the Essentials, Practices, and Brokerage Management courses, and is responsible for the success of the real estate education program offered through the College of Southern Idaho. We are pleased to have such an outstanding instructor as part of our education program. **Congratulations, Joan!** 🏠



IDAHO REAL ESTATE COMMISSION

633 North 4th Street
 PO Box 83720
 Boise, ID 83720-0077
 (208) 334-3285

Telecommunications Relay Service 1 800 377-3529

REE-010-10
 Rev. 07/00

Commission Use Only	
Date Filed:	_____
Receipt:	_____
License Received:	_____

NOTICE OF REAL ESTATE LICENSE CHANGE

Changes shall become effective when all forms and fees are received and approved by the Idaho Real Estate Commission (IREC). Forms that are illegible, incomplete or not accompanied by the proper attachments will be returned.

SEE REVERSE SIDE FOR IMPORTANT ADDITIONAL INSTRUCTIONS

Name of Licensee for Whom the Change is Requested: _____
 (As it appears on license) last name first name middle name or initial

License Number of Licensee: _____ Date Change Submitted _____
 (Not Necessarily the Effective Date)

Signature of Licensee (if not available attach explanation) _____

	CHANGE FROM: Complete only those items that will be changing.	CHANGE TO: Complete only those items that will be changing. (See additional information on reverse side)
A	License Type: <input type="checkbox"/> Sales Associate <input type="checkbox"/> Broker <input type="checkbox"/> Associate Broker <input type="checkbox"/> Designated Broker <input type="checkbox"/> Branch Manager Status: <input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Provisional <input type="checkbox"/> Other	License Type: <input type="checkbox"/> Sales Associate <input type="checkbox"/> Broker <input type="checkbox"/> Associate Broker <input type="checkbox"/> Designated Broker <input type="checkbox"/> Branch Manager Status: <input type="checkbox"/> Active <input type="checkbox"/> Inactive <input type="checkbox"/> Provisional <input type="checkbox"/> Other
B	<input type="checkbox"/> Main Office <input type="checkbox"/> Branch Office Firm Name: _____ Location Address: _____ Mailing Address: _____ City, State, Zip: _____ Office Telephone (with area code): _____ _____ Terminating Designated Broker's Signature	<input type="checkbox"/> Main Office <input type="checkbox"/> Branch Office Firm Name: _____ Location Address: _____ Mailing Address: _____ City, State, Zip: _____ Office Telephone (with area code): _____ _____ New Designated Broker's Signature
C	Licensee's Name: _____ Personal Address: _____ City, State, Zip: _____ Home Telephone (with area code): _____	Licensee's Name: _____ Personal Address: _____ City, State, Zip: _____ Home Telephone (with area code): _____
D	Firm Organization: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Liability Company	Firm Organization: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Liability Company
E	License Origin: <input type="checkbox"/> Idaho Primary License <input type="checkbox"/> Reciprocity	License Origin: <input type="checkbox"/> Idaho Primary License <input type="checkbox"/> Reciprocity

see reverse side for important additional instructions

Change	Blocks to Complete On Reverse Side	Attach License?	Fee	Documentation and/or Other Information Needed To Complete the Requested Change
Active status to inactive status (A to I)	A, B, and C	Yes	None	(If you are the designated broker, then you must provide the location of the firm's records. They must be available for inspection for a period of three years following the year in which the transaction was closed. Also, all persons who were licensed with you must be moved to other brokers or inactivated.) Location of Files: _____
Changing from inactive to active	A and B	No	\$15	Attach proof of E&O insurance, continuing education (if necessary), and answer the following: Have you been named as a defendant in an administrative, civil, or criminal litigation since the issuance of your last active license? <input type="checkbox"/> No <input type="checkbox"/> Yes (If "yes", attach copy of complaint and explanation.)
Salesperson to any type of broker	Use an "Idaho Real Estate License Application" instead of this form.			
Associate broker to designated broker	A and any sections that might also be applicable.	Yes, for each licensee affected by the change.	\$15 for each licensee affected by the change.	<ul style="list-style-type: none"> If opening a new firm, attach the appropriate application, i.e. LLC, corporation, partnership, etc. that can be obtained from the IREC. If taking over an existing firm attach a list of affected persons and their wall licenses. All persons licensed at the firm must also change their licenses or be placed on inactive status.
Designated broker to any type of nondesignated broker	A and any sections that might also be applicable.	Yes, for each licensee affected by the change.	\$15 for each licensee affected by the change.	Designated brokers must provide the location of the firm's records upon closing that firm. Complete the section "Active status to Inactive status" above. All persons licensed at the firm must also change their licenses.
Change of firm name and/or firm address.	B and any sections that might also be applicable.	Yes, for each licensee affected by the change.	\$15 for each licensee affected by the change.	All licensees with the old firm name or address, including any branch offices, must also be changed. If changing the legal organization of the firm, i.e. sole proprietorship to corporation, see that section below.
Licensee changing to another office and/or brokers	B	Yes	\$15	When changing designated brokers, you need to verify the type of E&O insurance carried by your broker. If either the old or the new broker has an independent firm policy, you may need to change coverage.
Change of Licensee's name	C	Yes (unless inactively licensed)	\$15	Attach legal documentation of the requested name change i.e. marriage certificate, divorce decree, legal name change form.
Change of licensee's residence address	C	No	None	None
Change of the legal organization of the firm	D	Yes, for each licensee affected by the change.	\$15 for each licensee affected by the change.	Attach the appropriate application for the type of legal organization of the firm. Application forms are available from the IREC upon request. Sole proprietorships do NOT require a separate application form.
Reciprocal to Idaho primary or Idaho primary to reciprocal	E and any sections that might also be applicable.	Yes	\$15	Attachments are dependent on reciprocal agreement. Please contact the Commission office.
Other	Contact the Idaho Real Estate Commission (IREC) .			

NOTICE:

Because of rising costs associated with issuing a refund, it is the policy of the Idaho Real Estate Commission (IREC) to refund overpayments of under \$25 only if requested in writing within 30 days of IREC receipt of the overpayment. Overpayments of \$25 or more will be automatically refunded to the licensee. There will be a \$15 fee assessed for each check returned to the Idaho Real Estate Commission for insufficient funds.

(Investigative continued from page 5)

allegations or may admit certain allegations and deny others. The Executive Director then considers the licensee's response and determines whether or not to serve upon the licensee a formal Complaint and Notice of Hearing. (2) The licensee may express a desire to stipulate and admit that the allegations are true. A Complaint and Stipulation is then drawn up which the licensee signs. The staff may present a recommended disciplinary action. The matter is then presented to the Commission to determine the discipline to be imposed. The licensee may request an appearance before the Commissioners to present any mitigating circumstances. Once the decision is rendered, an order is issued by the Commission setting forth the licensee's discipline.

If the parties do not enter into a Stipulation, a formal hearing is held before a hearing officer selected by the Executive Director. The hearing officer will be a practicing attorney in the state of Idaho, with at least five (5) years experience.

The hearing is similar to a court proceeding in that the licensee has the right to be represented by counsel and may subpoena or have witnesses appear in the licensee's behalf. Testimony is heard under oath, documents may be offered as evidence, and all witnesses may be cross examined.

After the hearing is held, the hearing officer issues a "Recommended Order" to the Commission and sends a copy to the licensee. Any party may file a response to the "Recommended Order"

which may include a request for reconsideration or recommend a Disciplinary Action. The Commission then reviews the recommendation and may review the evidence and testimony presented at the hearing. The Commission then issues a "Final Order" setting forth its decision in the matter which is sent to the respondent licensee. If the respondent disagrees with the "Final Order," the respondent then has the right to petition the Commission to reconsider its "Final Order." The Commission may or may not change the "Final Order." If the respondent disagrees with the "Final Order," the respondent may appeal that decision to the courts.

At any time during the investigation and hearing process of the Commission, a licensee may seek legal advice from an attorney. The Commission strongly recommends that any time a "Notice of Hearing and Complaint" is issued the respondent seek legal advice.

On occasion the Commission or Executive Director may resolve matters informally when it is determined that the law would best be served by a conference to correct the problem. Because an "Informal Inquiry" may lead to a decision on the part of the Executive Director to hold a formal hearing, a licensee may be represented by counsel in this inquiry as well.

We hope the foregoing assists licensees and the public to more fully understand the investigative and disciplinary procedures followed by the Idaho Real Estate Commission. The disciplinary proceedings are governed by the *Rules of Practice and Procedure* of the Idaho Real Estate Commission. 

EPA, HUD Clarify Lead Disclosure Rules

Washington: In response to questions posed by the NAR, HUD and the EPA have issued some clarifications on when lead-based paint disclosure must be made.

- ▶ Regulators approved for national use California contract language that allows disclosures to be made after a seller has accepted a buyer's offer, so long as the buyer has the right to cancel the purchase upon receipt of the disclosure and is allowed 10 days for an inspection.
- ▶ Also, a seller/lessor may distribute photocopies of a completed disclosure form to prospective purchasers/lessees to execute and return to the seller/lessor with the offer. The regulators confirmed that completion of the disclosure and acknowledgment form in two separate documents satisfies the disclosure obligations.
- ▶ Only the owner is required to complete the disclosure form when the property is held jointly, as long as the non-executing owner does not have any additional undisclosed information or records of lead-based paint hazards.
- ▶ Sellers, lessors and their representatives may continue to distribute the 1995 version of the EPA's "Protect Your Family From Lead in Your Home" pamphlet, even though it was revised in 1999. (The 1999 revision deleted certain phone numbers.)

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Reminder

You can still renew your real estate license on-line up until 5:00p.m. on the last day of the month. If renewing on line, be sure CE is completed at least two weeks prior to renewal date.

IREC Website Wins Award

The Idaho Real Estate Commission recently won 3rd place in an international competition for the Association of Real Estate License Law Officials, thanks to the efforts of Joanna Marshall, Information Systems Technician. The Commission is proud of her efforts, along with the entire staff, to provide a user friendly and informative website to persons interested in real estate licensing in Idaho. The site contains easy to access information, including:

- ✓ downloadable forms for real estate licensing;
- ✓ licensing agreements with other states;

- ✓ information about real estate courses accepted for both original licensing and continuing education;
- ✓ course schedules;
- ✓ Information and forms for the certification of real estate courses, instructors, and providers of courses accepted for real estate licensing;
- ✓ listings of all Idaho real estate licensees and the status of those licenses;
- ✓ and provides for **ONLINE RENEWAL** of real estate licenses with a credit card. 

Visit our award-winning website at www2.state.id.us/irec

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