



IDAHO
 REAL ESTATE COMMISSION
 www.irec.idaho.gov

THE REAL ESTATE STATEMENT

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COMMENTS FROM THE COMMISSION CHAIR

Looking Back While Still Looking Ahead...

By Pam Trees

I have heard a saying that “you can’t move forward if you are always looking back.” I believe that is true to a point, but right now I am looking back to share some thoughts with all of you regarding my service on the Idaho Real Estate Commission for the last 7 years, while looking forward to this one last year of service.

From the first day of my appointment by Governor Kempthorne in 2003, and my reappointment by Governor Otter in 2007, I was given a great opportunity to learn, challenge myself, meet people from all over the world who have the same interest and dedication to the real estate industry as I have, and most of all the privilege to serve the consumers and licensees of this great state of Idaho.

Commissioners from jurisdictions through-out the country and the world have an opportunity to belong to an international group called ARELLO www.arello.org, which stands for Association of Real Estate License Law Officials. Idaho is a member of this group and through the years that I have been involved, Idaho has been a leader in many areas, such as winning many awards for our educational programs, being one of the first to have on-line license renewals, making a video on mortgage fraud, producing an online Business Conduct and Office Operations course, having our previous executive director, Donna Jones, serve on the executive committee of ARELLO. During her employment, Donna was very encouraging to all the Commissioners to get involved. Well, that’s all it took for me, and the next thing I knew I had served on many

committees and eventually got elected to serve on the Board of Directors of ARELLO. I also became the District 4 Vice President in 2009 (District 4: Alaska, Arizona, California, Guam, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming.) All of the past Commissioners and now the current ones, Vice Chair Marvis Brice, Andy Enrico and Kelly Fisher, are very involved in serving on committees and proudly make Idaho stand out with their eager knowledgeable input at each meeting.

We are so fortunate to have found our current executive director, Jeanne Jackson-Heim, after Donna Jones became Idaho’s Contoller. Talk about hitting the jackpot, Jeanne makes us proud! I predict that with her outstanding leadership skills and knowledge she will take the helm of ARELLO as President in the near future. We are so fortunate to have someone like her running the day to day operations of the Commission and the great team of people that work at the Commission office in Boise.

Remember, IREC is only a click away: www.irec.idaho.gov, Facebook, Twitter, or the old fashioned way, make a phone call! 1-866-447-5411. Please call with your concerns before they become a problem...it’s usually better that we get a call from you than for you to receive a call from us!

You may wonder why write about this? I could be listing all the things that you “should be doing”, “don’t forget to do” etc., but I wanted to share my personal experiences as a commissioner with you

and encourage you to get involved and hey, maybe you can serve your district as a Commissioner too someday.

Now, looking ahead. We have a great year ahead of us, and I will do all I can to do my part to make a difference. Will you?

Have a successful year!

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Operator.....dial "0" or stay on the line



EXECUTIVE DIRECTOR'S REPORT

Keeping in Touch

By Jeanne Jackson-Heim

Have you checked out IREC's new Facebook page? "Like" us or "friend" us to keep track of events and other notifications, or you can follow us on Twitter – user name IdahoREComm. You can also sign up to receive our monthly e-newsletter, delivered to your e-mail inbox. Visit www.irec.idaho.gov and click the link on the home page to subscribe or read archived newsletters.

As a reminder, the license law allows 10 days to notify the Commission of residence address or phone number changes. We ask that you make these changes by logging in to the IREC online services and updating your information on the "My Account" page. It's easy and it's free! Likewise, if you have a legal name change, you have 10 days to submit a Notice of Change Form (available on the website), including supporting documentation such as a court order or marriage license.

IREC routinely has all sorts of licensee mail returned to us by the post office because of bad addresses. While many of the returned items include a yellow sticker with forwarding information, some do not. This edition of the *Real Estate* contains a list of all the licensees we have lost touch with because we don't have a good address - **IREC's Most Wanted!** If you know how to reach anyone on the list (see page 12), please ask them to get a hold of us so we can obtain current contact information and remove the "bad address" flag from their records.

We are often asked why IREC uses the brokerage office address instead of the home address to send mail to active status licensees. The answer is that we have a much better chance of the items actually getting delivered at the brokerage! In the months of September and October combined, we had a total of 223 items returned to us for bad addresses, and that was just the first class mail. The Commission tries to be frugal with your license fee dollars, and we hate to waste postage mailing items that can't be delivered, or paying for paper, envelopes, and printing for items that are thrown away or returned to sender.

If you typically work out of your home or haven't been doing a lot of real estate business, you might want to call or stop by your brokerage occasionally to see if you have any important mail. Likewise, **for all you designated brokers out there, it would be appreciated if you would let your associates know when they have received mail from IREC.**

Did you know the Commission is not obligated to send reminders for license and E&O renewals? We want to continue the practice as a courtesy and to help you be successful in maintaining your professional license. In the end, however, **it is your responsibility to know when it is time to renew your license, complete CE, or renew E&O insurance.** Failure to receive a reminder notice does not excuse a CE, late renewal, or E&O violation.

Be watching in the near future as IREC transitions from renewal notice letters to renewal reminder postcards to save money for the Commission. You can do your part to keep costs low by keeping track of your E&O and license renewal dates, renewing your license online, and using IREC's online services to keep your personal address and phone number information updated in IREC's database.

Audit Honor Roll

Charles L. "Chuck" Winder, Lee & Associates Idaho, Inc., Boise

Arlene Karen Gillispie, Realty World Horner West Real Estate, Inc., Weiser

David Merl Waldo, Waldo Insurance, Inc: Waldo Real Estate, Ontario, OR

David L. Cropper, Real Estate Center, Hailey

James K. Figge, Sun Valley Associates, Sun Valley

Jon R. Hunt, Arbor Haven Real Estate, Boise

William W. Main IV, Spokane Estate Agents, LLC: Re/Max of Spokane, Spokane, WA

Gail A. Byers, Gail Byers Real Estate, Moscow

Deborah J. Loiza, Team Idaho Real Estate, Inc., Moscow

Angela Maria McGurkin, Moscow Realty, Inc., Moscow

Michelle Lynn Basye, Brundage Realty, Inc., McCall

Kevin Douglas Batchelor, McCall Resort Realty, LLC: Re/Max Resort Realty, McCall

Marla Jean Payne, Outback Realty, LLC, Island Park

Mary Lee Hill, The Real Estate Office, Rexburg

Steven W. Carey, Carey, Inc.: Shelman Realty, Bonners Ferry

Donna Reina Capurso, Selkirk Mountain Real Estate, LLC, Moyie Springs

Theresa M. Brown, Eagle Point Realty, LLC, Rexburg

Patricia Ann Davis, Voigt Davis REALTORS® LC, Idaho Falls

Joshua Darris Ellis, Cornerstone Realty & Development, Chubbuck

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Audit Honor Roll

continued from page 3

Nels D. "Don" Solberg, Solberg Agency Inc., Grangeville

James P. Wolfinger, Wolfinger Land & Auction Co., Grangeville

F. Fred Glemser, Adams County Real Estate, Council

Charles E. Parrish, Four Seasons, Inc: Evergreen Realty & Inv., Sandpoint

Kirbi Lyn Swanson, Treaty Rock Realty, Inc., Post Falls

Gary J. Buentgen, Intermountain Commercial Real Estate, LLC, Boise

William J. Laska, Laska Company, Boise

Online Lottery Winners!

June 2010 - Robert Eugene Canfield, DB20901, Cougar/Northwest Real Estate, Hayden

July 2010 - Casey Lee Reeves, SP35736, Price Real Estate Inc., Pocatello

August 2010 - Timothy Ignatius, Shea, SP29828, Windermere/Coeur d'Alene Realty, Inc., Post Falls

September 2010 - John Anthony Nicolas, DB35990, Marcus & Millichap Real Estate Inv. Brokerage Co., Boise

October 2010 - Leslie D. Notarianni, SP38205, Inactive

November 2010 - Larry R. Compton, BR1559, Inactive



How Much CE Do I Need?

By MiChell Bird
Education & Licensing Director

Many times a week licensees call with the question, "How much education do I need before renewing my license?" If we received a dollar each time this question was asked in our department, we would all be rich (or at least be able to buy a latte). **Licensees are required to have 16 CE elective hours plus an Idaho Commission Core to renew an active license.** Courses **must** be completed **before** you renew. You must certify that you have completed the required continuing education, when you renew. If you have not completed the required CE when you certify that you have, you may be subject to a penalty as you have furnished a false statement to secure a license.

So how do you get those required credits?

Take an Idaho-certified course.

Taking an Idaho-certified course is the easiest way to ensure CE elective credit. IREC currently has 399 elective courses certified for CE credit. A list of certified courses is available on IREC's website at: www.irec.idaho.gov on the "Public Database Search". Idaho certified providers of these courses are required to submit proof of your attendance to IREC, **so if you take a course from an Idaho provider, please do not send your certificates to IREC.** The credits will automatically be added to your education record. You can check your education record by logging in to the Commission's website.

Don't forget, licensees may also obtain CE credit by attending a regularly-scheduled Commission meeting.

Licensed in two states?

Licensees can also earn CE credit for courses taken to satisfy other state or professional licensing requirements, **if the course is within the approved topic areas established by the Commission.** The Commission does not automatically accept CE credits from other states or professions. To request

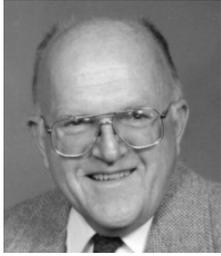
credit for these courses submit the REE-153 Licensee Request for CE Credit form (available on IREC's website) with all required attachments, including a course completion certificate and the provider's course description for each course. The Commission will review courses submitted by licensees to ensure they fit within the approved CE topics and Idaho License Law requirements. **Requests for course credit should be submitted to the Idaho Real Estate Commission office no later than sixty (60) days prior to the license renewal date.**

It is important to note, Idaho License Law requires the delivery of distance learning courses (online) be certified by the Association of Real Estate License Law Officials (ARELLO). Many states have this requirement for distance education but not all do. For example; California, Utah, Oregon and Washington do not currently require ARELLO certification and many of their online courses have not been certified for delivery by ARELLO. If a course you are submitting was taken online, it will **NOT** be accepted for CE credit unless it is ARELLO-approved. **ALL** Idaho-certified online courses are ARELLO-certified. Hence another good reason to take Idaho-certified courses. IREC does not accept correspondence courses for CE elective credit, as they are not certified by ARELLO.

CE Audits

The Commission conducts 100% audits on all licensees who renew or activate their license. Licensees will not receive an audit letter if the Commission's records show all CE requirements have been met. Always keep your certificates of completion for the courses you have taken in case you are audited.

Please call us if you have any questions. We are happy to answer them any time. We want every licensee to renew in compliance with the CE requirements.



EDUCATION COUNCIL COMMENTS

Education: A Burden or A Blessing?

By Maris Cukurs, Chair

Idaho law requires a real estate licensee to successfully complete a Commission core course, plus a required number of continuing education courses. Some licensees view this as a burden and some even fail to meet this minimum requirement. Others recognize the current situation:

1. Pre-license education offers the individual minimum success in the business.
2. Real estate business is getting more complex every day.
3. A depressed market requires a competitive advantage to succeed.

The bottom line is real estate professionals, like many others in the working world, benefit from education. Idaho offers many opportunities in education for those that recognize knowledge is power. The Idaho Real Estate Commission has nearly 400 approved education courses, covering a vast number of topics. These courses enable licensees to gain complete control of their business as a broker,

to learn additional topics in a field of specialization such as commercial, land sales, or to sharpen their competitive advantage in general real estate sales. This learning can signal to the consumers the real estate professional's expertise in real estate transactions.

Some licensees use the excuse that education costs time and money. Studies by trade organizations show licensees having additional education or trade designation education earn nearly double compared to those lacking this education.

To assist the licensee in participating in free or low cost education, fine monies collected by the Idaho Real Estate Commission are used to fund education programs. Last fiscal year 1,423 licensees took a free core course and 486 students took advantage of the reduced cost broker classes. This fiscal year offers 45 free core courses and 8 reduced cost broker classes. Act, learn, prosper!

Disciplinary Actions

May 1, 2010 - October 31, 2010

Formal Actions taken by the Real Estate Commission

Bogden, Steven P., designated broker. Coldwell Banker Commercial NRT is licensed in both Utah and Idaho. Bogden is the designated broker in both states. He allowed Utah licensees under his supervision to list and promote Idaho properties for sale. Stipulated to violation of Idaho Code 54-2038(3) - allowing unlicensed persons to represent the brokerage and 54-2053(1) - naming unlicensed persons in advertising. Given a Formal Reprimand; ordered to pay a \$1,500 civil fine and \$300 for costs and attorney's fees; and must successfully complete a live Business Conduct and Office Operations class.

Burdett, Chris, unlicensed. Acting as PKF Capital, Burdett listed an Idaho property for sale, and promoted it on the Internet. Stipulated to violation of Idaho Code 54-2002 for unlicensed practice as defined by Idaho Code 54-2004(33)(a), (c) and (d). Ordered to pay a \$3,500 civil fine and \$300 for costs and attorney's fees.

Cluff, Whit, unlicensed. Coldwell Banker Commercial NRT is licensed in both Utah and Idaho. Cluff is only licensed in Utah. He procured and promoted an Idaho property for sale. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice of real estate. Ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Coburn, Lori, unlicensed. Coldwell Banker Commercial NRT is licensed in both Utah and Idaho. Coburn is only licensed in Utah. She procured and promoted an Idaho property for sale. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice of real estate. Ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Colliers International/PKF Capital, unlicensed. PKF Capital, Chris Burdett's company, listed and advertised an Idaho property on the Internet. Stipulated to violation of Idaho Code 54-2002 for unlicensed practice as defined by Idaho Code 54-2004(33)(a) (c) and (d). Ordered to pay a civil fine of \$3,500.

Elcan, Daniel G. and Elcan and Associates, unlicensed. Elcan offered a property in Pocatello for sale over the internet and used a sign on the property. He is not licensed in Idaho, but is licensed in Alabama. There is no evidence that he ever had a listing on the property. When the property sold, two

Disciplinary Actions continued on page 6



Lisa Olivia Hall-Contreras, Mountain Home
Marilyn L. Marsh, Cascade
Richard M. Blizzard, Rathdrum
Shirley M. Stroud, Salmon
Casey Reeves, Pocatello
Nan G. Emerick, Hailey
Michael James "Mike" Greif, Post Falls
Ruth N. Mackey, Cambridge
Ronald Eugene Lebsack, Rathdrum

Idaho brokerages cooperated and Elcan was not involved. Elcan stipulated to violation of Idaho Code 54-2002 - unlicensed practice on behalf of both himself individually and on behalf of Elcan and Associates. Ordered to pay one \$500 civil fine on behalf of both himself personally and his brokerage and required to pay \$300 for costs and attorney's fees.

Frazer, Charles R. "Rex", designated broker. Myers and Leffler acted together to assist Myers' company, Paradigm Solutions, in acquiring option agreements on properties that were subject to short sale. Leffler then profitably listed the properties for sale for Paradigm, despite the fact that Paradigm had no equity in the properties. Frazer was aware of their activities and approved the transactions. Stipulated to violation of Idaho Code 54-2038(1)(a) - failure to supervise. Given a Formal Reprimand; ordered to pay a \$2,000 civil fine and \$300 for costs and attorney's fees; and required to successfully complete a live Real Estate Law class.

Gorilla Realty, unlicensed. Gorilla Capital bought Idaho properties. Gorilla Realty is licensed in Oregon, but not Idaho. Sweet as the designated broker joined the MLS by coming through Ontario, OR. The Idaho properties were input into the MLS. When an offer was produced she acted as the responsible broker and held the consideration. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice. Ordered to pay a civil fine of \$500 and \$300 for costs and attorney's fees.

Hon, Michael, associate broker. Hon was told in August 2009 to cease advertising Iron Eagle Realty, because he had closed that brokerage. He continued to advertise "Iron Eagle". He also advertised another licensee as being affiliated with "Iron Eagle" who had never been licensed there, or at any other brokerage Hon was affiliated with. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising and 54-2060(2) - continued course of misrepresentation. Given a Formal Reprimand; ordered to pay a \$2,000 civil fine, with \$1,500 withheld provided he pays \$500 by 11/22/10 and complies with the Final Order; required to successfully complete a live Real Estate Law class; and must pay \$300 for costs and attorney's fees.

Iliff, George, designated broker. Iliff allowed Wali to co-list a property with Chris Burdett and PKF Capital. Burdett and PKF are not licensed in Idaho. Iliff stipulated to violation of Idaho Code 54-2038(1)(a) - failure to supervise. Given a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees; and must successfully complete a live Business Conduct and Office Operations class.

Jakobson, Cory, unlicensed. Jakobson is a lender at Diversified Mortgage. He advertised listed properties after they expired and placed

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Clean Up Your Tracks!

By Craig Boyack
Chief Investigator

The internet is not new and shiny anymore. A quick search revealed that Yahoo began in 1994. We will soon have people entering the real estate business who were born after the internet became a fact of life. To the newer generations, you can talk about the internet the same way I talk about color television and the moon landing.

Life on the "web" comes with its own responsibilities. Namely, it leaves tracks.

The Commission encourages every licensee to search for your own name using your favorite search engine. Include the name of any brokerage you are no longer affiliated with.

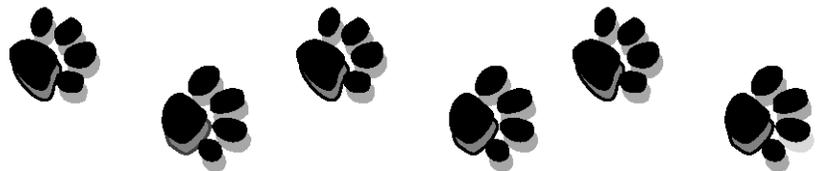
The reasons are twofold. First of all, you are not allowed to advertise under any brokerage than the one where you are currently licensed. If you can still find ancient advertisements on a search engine, so can the general public, and so can the Commission's Enforcement Staff. Second, you want any traffic generated to get to you. You don't want someone at your former brokerage to get your leads.

While it is not Commission business, it is also a good time to clean up any embarrassing items on the internet. What was once a cute party picture in your 20's could be embarrassingly unprofessional in your 30's. Perhaps there is current data in place, but something in the ad is incorrect. This is your opportunity to do damage control. Keep in mind that consumers, and potential new brokerages, will Google you to see what comes up.

Designated brokers should search for themselves and their brokerages. You certainly don't want ads out there for people who are no longer affiliated with you. They may have left the business, or left the State. They won't be receiving this article, so the broker has to check.

Designated brokers may want to make this the topic of an office meeting. It can be tied to misleading advertising, professional image, and proofreading your own ads.

Every gadget available today comes with a great calendar program. I encourage everyone to pick a date and "Google" themselves every year. Enter it into your smart phone or PC. That way you can clean up your tracks.



Broker Price Opinions

The Idaho Real Estate Commission and the Idaho Real Estate Appraiser Board adopted a joint guideline on Broker Price Opinions. It is numbered Guideline #20 and may be found on the Guidelines page of the IREC website. If you are asked to render a broker price opinion, read the guideline and be sure to follow the requirements of Idaho Code 54-4103 and 54-4105. That portion of the appraisal law specifies who may render a BPO and what must be included. (For your convenience, this section of the appraisal law is also printed in your license law booklet, on pages 61-62 of the 2010 law book.) Questions? Contact the Enforcement Department!



Enforcement Questions & Answers

By Don Morse
Investigator

Q: When does a licensee have to deliver earnest money associated with a purchase and sales agreement to his broker?

A: Idaho Code 54-2045(4) states that all consideration, including cash, checks held in uncashed form and promissory notes, received by a sales associate in connection with a real estate transaction shall be immediately delivered to the broker or the broker's office.

The word "immediately" is used with good reason. There is no provision allowing a licensee to deliver earnest monies upon acceptance. A broker is required to create a trust account ledger card, and account for these monies prior to acceptance. If the licensee doesn't turn it in, then the broker cannot properly account for it.

Q: Can a brokerage advertise that anyone buying a home from them, during a specific time period, will receive a rebate?

A: Idaho Code 54-2054(2) allows a licensee to pay any part or share of a commission, fee or compensation received directly to a principal to the transaction. However, no commission, fee or compensation may be split with any party to the transaction in a manner which would directly or indirectly create a double contract, or which would otherwise mislead any broker, lender, title company, or government agency involved in the transaction regarding source of funds used to complete the real estate transaction or regarding the financial resources or obligations of the buyer.

Idaho Code 54-2053(4) provides that no advertising shall provide any information to the public or to prospective customers or clients, which is misleading in nature. Therefore, any limiting factors in the advertising must be clearly spelled out so as not to mislead anyone reading the advertisement. Additionally, any rebates made to purchasers that will affect their loans must be disclosed in the Purchase and Sales Agreement for the underwriter's approval.

Q: As an actively licensed real estate agent in Idaho, can I sell my own home "For Sale By Owner"?

A: Yes. An agent can market and sell his own home "FSBO"; however, the transaction still has to go through the broker. The agent's broker must maintain a transaction file for the agent's sale for the required retention period.

Have you moved? You must notify the Idaho Real Estate Commission within 10 days (Idaho Code Section 54-2018(9))

To change your address go to www.irec.idaho.gov and log in to IREC's online services. Once you have logged in you will be on your account page. There you can update your address or contact information. Remember to Click the "Save Changes" button to save your updated information.



his contact information in the ads to convert interested buyer to his mortgage products. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice as defined by Idaho Code 54-2004(33(c) and (d). Ordered to pay a civil fine of \$1,500 and \$300 for costs and attorney's fees.

Jones, Michael B., designated broker. Palovich bought a property from a former licensee. The transaction involved a large unsecured promissory note that was a contingency of the contract. Jones was aware of the situation and failed to ensure that the contract documents reflected all the terms the parties agreed to, and that it was properly reflected on the closing statements. Stipulated to violation of Idaho Code 54-2038(1)(a) - failure to supervise and 54-2048(1) - failure to ensure the correctness of the closing statements. Given a Formal Reprimand; ordered to pay a \$1,000 civil fine and \$300 for costs and attorney's fees; and must successfully complete a live Broker Management class.

Kirk, Josh, unlicensed. Summers allowed Schroeder and Kirk to act in Idaho without an active Idaho real estate license. Kirk and Schroeder are licensed in Utah only, Summers is licensed in both states. Stipulated to violation of Idaho Code 54-2053(1) - advertising as an agent of an Idaho broker without an Idaho license. Ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Kitchens, Kelly D., salesperson. Kitchens assisted Webb in a short sale transaction of Webb's home. He represented buyers who were required to buy fixtures outside of the escrow process to generate cash for Webb. When part of this short sale process required the seller to receive no funds. Kitchens also received commission from both the buyer and seller. Stipulated to violation of Idaho Code 54-2054(7) - receiving funds from more than one party to a transaction without a full written disclosure to all parties and 54-2060(12) - reckless conduct in a regulated real estate transaction. Given a Formal Reprimand; ordered to pay a \$1,500 civil fine and \$300 for costs and attorney's fees; and must successfully complete a live Real Estate Law class.

Kohlhase, Kent, unlicensed. Coldwell Banker Commercial NRT is licensed in both Utah and Idaho. Kohlhase is only licensed in Utah. He procured and promoted an Idaho property for sale. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice of real estate. Ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Leffler, Deborah Byron, salesperson. Assisted Myers in acquiring options to purchase properties as Paradigm Solutions. The transaction documents were full of blanks, and the pertinent information was filled in some time after the sellers signed them. She then listed

Disciplinary Actions continued on page 8

the properties for sale on behalf of Paradigm, who had no equity in the properties. Stipulated to violation of Idaho Code 54-2060(11) – dishonest and dishonorable dealings. Given a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for costs and attorney’s fees; and must successfully complete either a live Risk Management class or a live Risky Business class.

McMullan, Tom, unlicensed. McMullan advertised a restaurant in Pocatello for sale without an Idaho license. Stipulated to a violation of Idaho Code 54-2002 - unlicensed practice. Ordered to pay a \$3,500 civil fine and \$1,170.75 for costs and attorney’s fees.

Myers, Daniel L. “Dan”, salesperson. Acquired options to purchase properties that were subject to short sale. Transaction documents were full of blanks and he convinced the sellers to sign them anyway. He then acted as the seller, listed them for sale at a substantial profit and promoted these properties through the MLS. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising, 54-2060(2) - continued course of misrepresentation, and 54-2060(11) - dishonest and dishonorable dealings. Given a Formal Reprimand; ordered to pay a \$3,000 civil fine and \$300 for costs and attorney’s fees; and must successfully complete a live Real Estate Law class.

Palovich, James M., salesperson. Bought a property from a former licensee. The transaction involved a large unsecured promissory note that was a contingency of the contract. This information was not in the transaction documents or the closing statements. Stipulated to violation of Idaho Code 54-2045(4) - failure to turn in transaction documents and earnest money to his broker for 6 days, 54-2051(4)(a) - failure to include terms about the unsecured note in the Purchase and Sale Agreement, 54-2051(4)(c) - failure to name the responsible broker on the Purchase and Sale Agreement, and 54-2060(12) - reckless conduct in a regulated real estate transaction. Given a Formal Reprimand; ordered to pay a \$2,000 civil fine and \$300 for costs and attorney’s fees; and must successfully complete a live Real Estate Law class.

Paradigm Solutions, LLC, unlicensed. Myers acquired options to purchase properties as Paradigm Solutions. These properties were subject to short sale, and Paradigm then listed them for sale without any interest in the property. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice for acting as a dealer in options. Ordered to pay a \$3,000 civil fine and \$300 for costs and attorney’s fees.

Schroeder, Don, unlicensed. Summers allowed Schroeder and Kirk to act in Idaho without an active Idaho real estate license. Kirk and Schroeder are licensed in Utah

Disciplinary Actions continued on page 9



HOT OFF THE PRESS

**By Neal Bernklau
Licensing Supervisor**

This is the 29th edition of the Real Estate that I have had the honor of writing an article for; thus, leaving only another 9 issues until I can retire..... Putting it that way seems retirement is closer than it really is, and now I wonder if I will be financially sound at that point in my life. The same can be said about you and your Errors & Omissions insurance. Upon retirement from the real estate business, you should always consider purchasing at least 2 years of tail coverage just in case you are sued during your first couple of years of retirement. Without tail coverage, you could be wishing for a Hawaiian vacation and actually spending your vacation at the poor house and giving all your retirement money to your attorney so he/she can go to Hawaii after they settle your case... Heck, if you are sued without tail coverage I might even beat you to Hawaii, and I would rather go to Alaska fishing.....

This is the 8th year that RISC has been collecting the renewal premiums which are due by October 1st every year, and we still have way too many active licensees not renewing on time. This year there were 398 that failed to renew on time. Being fined is not the worst that could happen to you. If you have more than a 30-day gap with your E&O insurance, any suits over something that happened prior to the 30-day gap will not be covered by your E&O insurance. You say that you will never be sued so you are not going to purchase tail coverage and you don’t care about renewing late... What would happen if you were sued?? You would pick up the total bill which could be anywhere from \$1000 to \$1,000,000 out of your wallet.

Over the past 16 years there has been a daily average of 4,867 licensees with RISC and an annual average of 80 claims filed every year. According to these average figures, one in every 60 licensees may be sued the year you retire. If you were to compare this to the Powerball lottery, only 1 in 195,249,054 will win the big jackpot. Where do you want to place your money?

LICENSE STATS As of November 30, 2010

Active (Broker and Sales)	7199
Active Brokers	2141
Active Sales	5058
Inactive (Broker and Sales)	3172
Inactive Broker	512
Inactive Sales	2660
Active Companies	1159



ASK HELENA???

I've Completed My CE; What Else is There to Do?

By Helena Guest
Technical Records Specialist I

A common phrase heard here at the Commission is, "I completed my Continuing Education (CE); I didn't know I needed to do anything else to renew my license!"

You can take CE whether you intend to renew your license or not. The Commission does not make assumptions about your intentions. If you do plan to renew your license, then you must complete the required renewal process. We hope you will renew online!

Renewals, along with the current fee, must be received at the Commission office, on or before 5 p.m. MST/MDT of the license expiration date, including online renewals. Your license must be renewed, and the fee paid, every two years, whether you are renewing as Active or Inactive. If you are renewing as ACTIVE you need to make sure you have completed the CE requirement. The current CE requirement is 16 hours of electives, plus an Idaho Commission Core course. You can find CE courses through IREC's Public Database Search. If you are renewing an Inactive license, you are not required to meet the CE requirement.

If you have any questions, feel free to contact me directly at: 208-955-8472.

"And the Winner Is..."

ARELLO's 2010 Education Awards

The Idaho Real Estate Commission was recognized as the winner of a 2010 ARELLO® (Association of Real Estate License Law Officials) Education Award for our Business Conduct and Office Operations (BCOO) online Course. The award was presented at the ARELLO® Annual Conference in Anchorage, Alaska.

The Education Awards recognize outstanding programs that contribute to the real estate industry, promote public protection and increase awareness of practices that might be adapted by other jurisdictions for the benefit of licensees and the public.

The Idaho Real Estate Commission's Business Conduct and Office Operations Course is designed to educate brokers, associate brokers, sales associates, administrative assistants, bookkeepers and other interested parties about the many operational requirements of Idaho's real estate license law and rules. This is a "how to" course that brings attendees up-to-date on changes in the laws and rules governing the proper maintenance of records, accounting for client funds and developing other good business practices. The course also provides insight on what the Commission's real estate inspector looks for when performing an audit of a real estate office.



Darren Isaacs and Matt Johnson of CBT Alliance were recognized by Pam Trees and Jeanne Jackson-Heim at the September 2010 Commission meeting for their contributions to the completion of the online BCOO course.

only, Summers is licensed in both states. Stipulated to violation of Idaho Code 54-2002 – representing to the public that he is engaging in real estate brokerage practice and/or procuring of prospects as described by Idaho Code 54-2004(33)(a)(c) and (d) and 54-2053(1) - advertising as an agent of an Idaho broker without an Idaho license. Ordered to pay a \$3,000 civil fine and \$300 for costs and attorney's fees.

Simonsen, Tim, salesperson. Coldwell Banker Commercial NRT is licensed in both Utah and Idaho. Simonsen was only licensed in Utah at the time of this action. He procured and promoted an Idaho property for sale. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice of real estate. Ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Stevens, Samantha L., designated broker. Stevens tried to open a brokerage called Capitol Group, but was denied because someone else had a brokerage by that name. She protested that she had gone to considerable expense and effort to brand that name. Staff examined her efforts, and found she had already advertised the name before it was licensed in violation of license law. Staff took an educational approach to bring her into compliance. After four months of non-compliance, this investigation was opened. She stipulated to violation of Idaho Code 54-2053(2) and 54-2053(4) - advertising violations. Given a Formal Reprimand; ordered to pay a \$1,000 civil fine and \$300.00 for costs and attorney's fees; and required to successfully complete a live Business Conduct and Office Operations class.

Summers, Arthur Zan, designated broker. Summers allowed Schroeder and Kirk to act in Idaho without an active Idaho real estate license. Kirk and Schroeder are licensed in Utah only, Summers is licensed in both states. Stipulated to violation of Idaho Code 54-2038(1)(a) - failure to supervise unlicensed staff and 54-2038(1)(b) - failure to review and approve transaction documents. Given a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for the costs and attorney's fees.

Sweet, Lenore, unlicensed. Gorilla Capital bought Idaho properties. Gorilla Realty is licensed in Oregon, but not Idaho. As the designated broker, Sweet joined the MLS by coming through Ontario, OR. The Idaho properties were input into the MLS. When an offer was produced, she acted as the responsible broker and held the consideration. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice. Ordered to pay a civil fine of \$500 and \$300 for costs and attorney's fees.

Thain, Stephen J., salesperson. Coldwell Banker Commercial NRT is licensed in both
Disciplinary Actions continued on page 13

The following article is reprinted with permission of the California Department of Real Estate. It is very timely here in Idaho and illustrates we are not the only ones dealing with short sale fraud. Many of the methods outlined by California are also prevalent here. As you read the article, keep in mind that Idaho does not require a “fiduciary” agency obligation. Our agency requirements are similar, however.

UPDATE REGARDING SHORT SALES FRAUD AND RELATED ISSUES

Several months ago, the California Department of Real Estate (“DRE”) issued a publication on residential Short Sales which provided an overview of the practice area, and a warning to the real estate industry about legal and ethical minefields and the growing fraud in this area. The publication also discussed and pointed out certain egregious and unlawful practices of short sale flippers, and it was followed by a DRE Consumer Alert on Short Sale transactions.

Unfortunately, Short Sale fraud is growing, and it too often seems that licensees and those counseling licensees may wrongly conclude that unlawful or questionable practices “cannot be bad” because “everyone is doing it.” Licensees must understand that fraudulent and unlawful practices will invite disciplinary action by the DRE and possible civil and criminal liability.

This DRE Short Sales update is written on the growing, questionable, and sometimes unlawful practice of short sale negotiators (“SSN”) requiring/compelling Buyers to pay the SSN’s fee. The DRE will publish and disseminate additional updates as necessary and appropriate to protect the public and to inform its licensees of practices that are problematic, questionable and/or unlawful.

Discussion

Many brokers have noticed and reported a sharp increase in the number of Listing Agents and SSNs who are requiring that Buyers pay the SSN’s fee. The Buyer’s agents are sometimes told (either in the Remarks Section of the MLS and/or in a pre-sale instruction sheet) that Buyers must sign a special Addendum created by the SSN in which the Buyers agree to pay the SSN’s fee if they intend to present an offer.

Buyer’s Agents may also be told that their clients’ offer will not be presented if the Buyer does not agree to sign that SSN Addendum and include it with the offer. If the requirement for the Buyer to pay the SSN fee is being driven by the Listing Agent and/or the SSN, and is re-

ally not a requirement of the Seller, there is potentially an ethics violation and a breach of the Listing Agent’s fiduciary duty to the Seller by stifling and limiting the presentation of legitimate offers.

One version of this scenario is where the Buyer is told that he or she “must” request a credit for non-recurring closing costs (“NRCC”) (the NRCC is typically 3%) as part of the Buyer’s offer with the understanding that the Buyer will use that money to pay the SSN’s fee as well as any other party who is not satisfied with the amount authorized by the Short Sale Lender (such as a second Lender). The NRCC will or may be shown on the HUD-1 and if the fee is paid through escrow it would appear on a late - escrow HUD-1. However, these additional fees are often paid outside of escrow since the Lenders may not approve the same. Remember, in Short Sales, the Seller’s Lender may require, and in many cases makes it clear, that the Seller is not to receive money or any other benefit from the sale. The SSN Addenda that have been created to shift the payment responsibility for the SSN’s fee to the Buyers may raise significant legal concerns for Brokers. In some instances the Listing Agent is trying to get paid extra money to serve as both the Listing Agent and the SSN. In other cases, the Listing Agent has hired an outside SSN because that agent is not able or willing to provide short sale negotiation services to their clients, but at the same time the Listing Agent does not want to share his or her commission earnings with the outside SSN that has been hired to do that work.

The SSN is (or must be) a California licensed real estate broker, unless exempt under very narrow statutory exemptions. See § 10130 et seq. of the California Business and Professions Code (B & P), for the licensing requirements and the exemptions. Also, see the discussion in paragraph (c) below. To better understand the pitfalls and perils involved in these types of arrangements, we offer the following:

(a) Although the SSN Addendum is a contract document, the primary reason that these terms and conditions are on a separate Addendum may be to better enable the Listing Agent and/or SSN

to conceal this information from the Seller’s Lender and, in some instances, the Buyer’s Lender. Based upon anecdotal reports from lawyers and real estate practitioners, it appears that unscrupulous SSNs are purposely not sending these Addenda to the Lenders as part of the package of information requesting Short Sale approval from the Seller’s Lender. This practice of intentional concealment would support and/or may lead to a finding of Lender Fraud. If the SSN Addendum is not sent to the Seller’s Lender, the Lender may not be aware that the Buyer (whether or not they are approved to get the NRCC credit) is being required to direct funds to others in the transaction including, but not limited to, the SSN. It is noted that in addition to paying for the SSN, Buyers may be asked to pay off the Seller’s credit card debt, the Seller’s moving expenses, to buy the Seller’s furniture at an inflated price, and to otherwise provide funds for the direct benefit of the Seller. If those funds/payments are not expressly approved by the Seller’s Lender, those “additional” payments could be extremely problematic from a legal standpoint.

(b) Including the payment of the SSN’s fee on a HUD-1 is arguably not sufficient to qualify as a realistic, timely disclosure to the Seller’s Lender that such a payment will be made. The Seller’s Lender’s Term Sheet usually specifies the total amount of commission compensation that is to be paid to the Listing and Selling Brokers in the transaction. That Term Sheet may constitute escrow instructions from the Lender, and the Lender might not approve a payment to an SSN that is to be added to the amount authorized as payment for the Listing and Selling Brokers. Lenders may consider any fee charged by a SSN to be a commission payment because the SSN is performing California real estate licensee activity. When the Buyer’s separate payment of the SSN’s fee appears on the final HUD-1 and that payment had not been authorized in the Lender’s Term Sheet (i.e., when added to commission that the Listing and Selling Brokers are receiving it may exceed the limit authorized by the Lender), Lenders may take the position that this constitutes a vio-

lation of the Lender's Escrow Instructions, and that may constitute Lender Fraud. Recently, a Northern California Title Company (that had also served as the escrow holder) settled a case by paying the Lender the entire amount of the forgiven loan (plus attorneys' fees and costs) simply because the escrow holder authorized a minor payment that was not approved by the Lender.

(c) The SSN Addenda may contain provisions which purport to establish that the SSN (who is negotiating with the Seller's Lender on behalf of the Seller) is also representing the interests of the Buyer in order to support the rationale given as to why the Buyer is to pay the SSN fee. The muddled and unsettled issue of who the SSN is actually representing can be used, depending on the facts and circumstances, as the basis to allege undisclosed dual agency which could lead to a rescission of the transaction, disgorgement of all commissions earned by all Brokers and sales associates involved in the transaction, and ultimately to the revocation or other discipline of some of the real estate licenses. It is possible that an SSN might fall entirely outside the scope of the statutory agency disclosure law which generally pertains to Listing Agents (defined under California Civil Code section 2079.13(f) as "a person who has obtained a listing of real property to act as an agent for compensation") and Selling Agents (defined under California Civil Code section 2079.13(n) to generally be an agent "who sells or finds and obtains a buyer for the real property"). For example, California lawyers performing legal work and rendering services in the course of their legal practice are not included in the above-identified disclosure law. An ill-conceived creation of a dual agency relationship might not be properly confirmed in the Purchase Contract or the Addenda (as required by California Civil Code sections 2079.13et seq.) and the SSNs might not provide the Seller with the Agency Disclosure form in a timely fashion (if they provide it at all). Nor does the SSN generally bother to give the Buyer an Agency Disclosure form, although the same would be required in the event there is an agency ("Selling Agent") relationship between the SSN and the Buyer. Failure to provide a timely Agency Disclosure can invalidate the obligation to pay commission under the terms of a Listing Agreement (please see *Huijers v. DeMarras*, 11

Cal.App.4th 676 (1992)). That same reasoning and analysis may form a legitimate basis to negate the SSN fee. (d) While much of the written documentation with reference to the Short Sale transaction will refer to a sale for fair market value ("FMV"), the SSN and Listing Agents may orally emphasize the payment of less than the FMV as part of a scheme to induce the Buyer to want to pay the SSN fee. Unfortunately, if the Buyer acknowledges that he or she is paying less than the actual FMV of the property, then he or she is acting in direct contravention of what Buyers and Sellers may be required to certify to secure the Seller's Lender's approval of the Short Sale. In the past, Sellers have been required to certify under penalty of perjury that the property is being sold for FMV. More and more Lenders are now requiring that the Buyers also execute comparable certification documents. Misrepresentations, perjury, and/or the subornation of perjury, have serious legal, criminal and/or disciplinary consequences. Also, any "artificially lowered" purchase price would not prevent the taxing authorities from assessing the taxable value of the property at FMV. If that occurs, additional liability exposure may be created for the Brokers, depending on their involvement in a fraudulent scheme.

(e) As discussed above, the SSN's fee that is charged to the Buyer might not be part of the "negotiations" between the principals. Rather, it may be a requirement of the sale according to the Listing Agents' comments in the MLS and/or on any pre-sale "terms of the sale" sheet distributed by the Listing Agent or SSN to prospective buyers' Agents. The latter may be effectively told that their clients' offers will not even be considered (i.e., at times not even presented) unless the offer contains the required terms, including the credit and/or the requirement that the Buyers and their Agents must sign the SSN Addendum. Since the SSN is a service provider that should be paid through escrow, if no real or added services are actually performed for the Buyer, requiring the Buyer to pay that "extra" fee(s) also appears to constitute an unlawful "junk" fee under the federal law known as RESPA.

(f) If the SSN's fee is paid outside of escrow, so that the fee is not disclosed on the HUD-1, the concealment may be in violation of federal law. In addition, depending on their involvement, all of

the parties to that transaction (Sellers, Agents, Buyers and Escrow holders) could be alleged and be found to have participated in a conspiracy to violate federal law by agreeing to structure the deal to include "hidden" payments outside of escrow.

(g) The SSNs may claim that the Buyers are not really paying them a fee because the SSN's fee is coming out of the 3% credit from the Seller to the Buyer for NRCC. Negotiators are often able to have the Lender approve such a credit on their "Term Sheet": As discussed above, there may be Lender fraud issues involved in the redirection/misdirection of the credit, and this could also be the basis for a deceptive and unfair business practice lawsuit. If the Buyer is authorized by the Seller's Lender to receive the credit as specified in the Purchase Contract with the Seller, but the Buyer is compelled to and must give up some or all of the credit to pay the SSN (or others), then the SSNs may be involved in a "shell" game. If that occurs, the Buyers' interests might not be properly protected by either the SSN who may owe them fiduciary duties (as discussed above) or their own Agent who has those same fiduciary obligations. Breaches of fiduciary duties have consequences in terms of civil liability and license discipline.

(h) Finally, it must be noted that many of the Addenda or other documents used to require payments to SSNs may contain hold harmless language that may give real estate licensees a false sense of security as to the propriety of such transactions. It should be noted that because there is usually no separate consideration paid for the hold harmless language, the enforceability of the obligation to hold the signers harmless is problematic. There are many complexities in the area of Short Sales transactions. The varieties of fraud continue to evolve. While examples of fraud and questionable and unlawful practices are discussed above, the discussion is not exhaustive, as fraud purveyors continue to modify their schemes and methods of operation. When dealing with the myriad issues arising with respect to Buyers being compelled to pay a "junk" fee(s) to an SSN, real estate licensees must understand how truly unsafe and problematic this practice is in terms of potential license discipline and civil and criminal liability.

IREC'S MOST

WANTED

Help! We have lost track of the following licensees who did not notify the Idaho Real Estate Commission of their new home residence address or phone number as required by Idaho Code 54-2018(9). If you know the whereabouts of any of these people, please ask them to log in to the online services to update their contact information, or contact IREC for assistance.

ACTIVE LICENSEES

Brinkly, Christie Lee, Century 21 Price Right, Price Right Real Estate, LLC, SP28828
Cereghino, David E., Heartland Realty, SP17193
Dietrich, Perry V., Century 21 High Desert, High Desert REALTORS®, Inc, AB2000
Enzler, Kyle James, Rocky Mountain Real Estate, SP36992
Gerard, James Fronk, Re/Max Resort Realty, McCall Resort Realty, LLC, SP39148
Hansen, Jerald D., Internet Realty of Idaho, LLC, SP39124
Hartman, John Andrew, John Hartman Real Estate, DB27521
Hoyle, Richard Winston, Realty One Homes Plus, SP29674
Hymas, Paul Douglas, Help-U-Sell of Rexburg, HEBCO, LLC, SP34671
Johnson, Darin Richard, Century 21 High Desert, High Desert REALTORS®, Inc, SP 28541
Loveless, Irene B., Irene Loveless Realty, DB15191
Plank, Theresa Michelle, St Maries Realty, St Joe Properties Inc, SP39058
Rhodes, Ken, Century 21 1st Place Realty, 1st Place Realty, LLC, SP18182
Sholander, Gerald E., American Dream Realty, DB18735

INACTIVE LICENSEES

Adamson, Blair D., SP22644

Ainger, Judy Lynn, SP22629
Albertson, Rebecca Jane, SP38435
Allen, Peter Brooks, BR81
Apodaca, Cassandra Elizabeth, SP37116
Baltes, Mary Elizabeth, SP36284
Bennett, Sabrina Lynn, SP38113
Bird, Ronald Gene, SP651
Boespflug, Kathy O., SP36699
Bolleurs, Richard James, SP29878
Briggs, Timothy Richard, SP24557
Brown, Errin C., SP25510
Brown, Joy Linn, SP38477
Brown, Shasta M., SP27530
Burenheide, Jason Scott, SP33218
Buzzini, Anne Briggs, SP32867
Campbell, Jennifer, SP36585
Carlson, Leland Shane, SP38432
Carter, Carrie Ann, SP32132
Cole, Lance, SP22971
Cooper, Brant Gerritt, SP33547
Cox, Richard Wayne, SP30796
Crowley, Michael Todd, SP35146
Darrow, Susannah, BR15320
Davenport, Debbie Kay, SP37776
Davis, Frank Harvey, BR1858
Dickinson, Patricia Mae, SP30078
Dillon, Tami Sue, SP30766
Dopp, Lilly Ann, SP35127
Drougas, Damon Christopher, BR23745
Dzaferovic, Sedija, SP36559
Findlay, Mary, SP36852
Fox, Kyli Jill, SP37173
Graves, Robert Beau, SP38297

Gray, Elden E., SP2887
Gridley, Doyelene Elaine, SP24021
Griffiths, Alison, SP30427
Gronbeck, David Alan, SP24474
Harris, M. Janice, SP20271
Hawkins, Beverly Brooke, SP30783
Hellen, Lynda M., BR19675
Holter, Dean Sage, SP38097
Horn, Maxine, BR3682
Jepson, Jamie Marie, SP27822
Johnson, Nina Kae, SP21647
Juarez, Brandon, SP26863
Kamps, Susan Marie, SP27354
Kasper, Howard L., SP23241
Kelsey, Steven E., SP4324
King, Susan R., SP11079
Kingsley, Candy Carmel, SP31315
LaBossiere, John William, SP38662
Larsen, Jonnie Elisibeth, SP30644
Lemon, Jodie K., SP35402
Lopez, Joseph Benjamin, SP37918
Maher, Lauri L., BR22242
Marks, Lawrence A., SP21262
Marx, Jon Bradley, SP23895
McDermott, LaNette R., SP28043
McGavis, Raelene Kay, SP28556
Mettinger, William H., SP28064
Meyer, Jesse Michael, SP32214
Miller, Brian Matthew, SP35596
Moad, William H., SP20047
Morrissey, Michael French, SP34761
Murphy, Yvonne, SP29071
Nebeker, Richard K. SP25872
Nunn, Dawn Elaine, BR37093

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Utah and Idaho. Thain was only licensed in Utah at the time of this action. He procured and promoted an Idaho property for sale. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice of real estate. Ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Townsend, James N., designated broker. Convicted of two counts of Felony Injury to a Child. Stipulated to violation of Idaho Code 54-2061(1)(a) - felony conviction; and 54-2061(3) - failure to report the conviction to the Commission within 20 days. Given a Formal Reprimand; his license was revoked; and required to reimburse the Commission \$300 for costs and attorney's fees.

Wali, David, salesperson. Co-listed a property with Burdett to give the appearance of legitimacy to the PKF listing. (Burdett, acting as PKF Capital, took a listing on Idaho property even though they are unlicensed.) Advertisements for the property only referenced Burdett and PKF. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising and 54-2060(12) - reckless conduct for co-listing Idaho property with someone who is not licensed in Idaho. Given a Formal Reprimand; ordered to pay a \$3,500 civil fine and \$300 for costs and attorney's fees; and must successfully complete a live Real Estate Law class.

The following licensees stipulated to violation of Idaho Code 54-2018(5) - submitting a license renewal application without having obtained the CE required by Idaho Code 54-2023(1)(a) and 54-2060(7) - misstatement in the application for renewal of a real estate license. Civil penalty fine as shown. First time violation unless indicated otherwise by asterisks.

Brockett, B. Jan, salesperson in Boise - \$150
Carpenter, Jay Bryant, salesperson in CDA - \$1,000**
Colter, Penny L., inactive salesperson - \$500
Comstock, Christine E., salesperson in Meridian - \$150
Cronin, Robert Lawrence, salesperson in Ketchum - \$500
Fuentes Jr., Humberto F., salesperson in Nampa - \$1,000
Hartin, Christina M., salesperson in Post Falls - \$750 and \$615 costs & attorney's fees
Hertz, Landusky, salesperson in Driggs - \$1,000
Kamprath, Marie Elise, salesperson in Sandpoint - \$150
Kelley, Alison May-Louise, salesperson in Boise - \$150
Lamppa, Todd Elliott, associate broker in Jackson, WY - \$150
Lincoln, Shannon L., salesperson in Boise - \$500

Disciplinary Actions continued from page 9

Meyers, Tami Irene, salesperson in Lewiston - \$500
Peterson, Nicole, salesperson in Rigby - \$1,000
Peyron, Gae L., salesperson in Boise - \$150
Rosellini Jr., Albert D., designated broker in Seattle, WA - \$150
Ruby, Kari-Lyn, inactive salesperson - \$500**
Setters, Douglas, inactive salesperson - \$500
Turner, Jamie L., salesperson in Jackson, WY - \$500
Ward, Rex Jay, associate broker in Twin Falls - \$150

The following salespersons, associate brokers, designated brokers and firms stipulated to violation of Idaho Code 54-2013 - failure of a licensee to maintain Errors and Omissions insurance or failure of a licensee to submit or cause to be submitted a certificate of coverage as required. First time violation, unless indicated otherwise by asterisks.

Abram, William "Jeff", inactive salesperson - \$100
Anderson, Diana C., designated broker in Pittsburg, CA - \$100
Bauman, Richard, inactive salesperson - \$100
Bellem, Stephen F., salesperson in Twin Falls - \$100
Belmonte, Lisa Louise, salesperson in Jerome - \$100
Bengoechea, M. Gayle, inactive salesperson - \$100
Berry, Carolyn G., salesperson in Coeur d'Alene - \$100
Bills Jr., Henry, designated broker in Coeur d'Alene - \$200***
Boren, Dawneeta E., designated broker in Kuna - \$100
Brammer, Kelley, salesperson in Spokane, WA - \$150
Bronco Real Estate, LLC, limited liability company in Boise - \$100
Brookman-Hain, Keyara, salesperson in Boise - \$100
Brooks, Victoria Ann, salesperson in Eagle - \$100
Brown, Susan, designated broker in Twin Falls - \$100
Butler, Sandra "Sandy" M., salesperson in Nampa - \$200**
Calhoun, Colleen, salesperson in Kuna - \$100
Call, Sabrina Marie, inactive salesperson - \$100
Campos, Jose, salesperson in Boise - \$200**
Carlson, Margaret "Meg", associate broker in Boise - \$100
Carter, Harold E., designated broker in Sandpoint - \$100
Cereghino, David E., salesperson in Cambridge - \$100

Cereghino, Michael L., salesperson in Cambridge - \$100
Clark, Eric R., limited broker in Eagle - \$100
Clark, William James, salesperson in Melba - \$100
Clay, Brenda, salesperson in Meridian - \$200**
Cook, Linda N., salesperson in Nampa - \$100
Cook, Robert M., designated broker in Nampa - \$100
Cord, Robyn, associate broker in Meridian - \$200 ***
Crowley, Thomas, associate broker in Spokane, WA - \$150
Dalton, Alicia, salesperson in Boise - \$100
DeHaas, David, designated broker in Boise - \$200**
Dennett, Caron Anne, salesperson in Eagle - \$100
Denton, Melinda, designated broker in Spokane, WA - \$150
DeWitt, Bobbi, associate broker in Eagle - \$100
Dixson, Thomas M., salesperson in Meridian - \$100
Doherty III, Daniel, inactive salesperson - \$100
Dohrn, Karim Lyn "Lyn", designated broker in Meridian - \$100
Downer, Julie K., associate broker in Eagle - \$100
Dyer, Larry W., designated broker in American Fork, UT - \$200**
Edwards, Kali K., salesperson in Boise - \$100
Ellis, Tina, designated broker in Boise - \$200***
Evans, Terry L., inactive salesperson - \$100
Ferrando, Tonda Jean, salesperson in Coeur d'Alene - \$100
Fitch, Mike, salesperson in Boise - \$100
Fullmer, Joey, salesperson in Driggs - \$200**
Galloway, Jason, designated broker in Boise - \$100
Gardner, Miste, salesperson in Boise - \$200**
Garling, Jacob "Jake", salesperson in Boise - \$200**
Gates, Timothy, salesperson in Coeur d'Alene - \$100
Gerry-Smith, Elizabeth Rae, salesperson in Coeur d'Alene - \$100
Goldman, Michael F., designated broker in Boise - \$100
Hall, Koret "Korri", designated broker in Boise - \$100
Hansen, Larry E., designated broker in Kuna - \$100
Hentges, William "Bill", salesperson in Boise - \$200**
Heritage Realty, LLC, limited liability company in Pullman, WA - \$100
Hernandez, Dan, associate broker in Meridian - \$200****
Hess, Everett, associate broker in Spokane, WA - \$100

Holley, Marty Lou, salesperson in Boise - \$100
Hunt, James Christopher "Chris", salesperson in Boise - \$100
Hurd, Jaime L., salesperson in Idaho Falls - \$100
Hurt, Elvira "Vera", salesperson in Star - \$100
Hyvonen, Clark, salesperson in Boise - \$100
Idaho Commercial Property, LLC, limited liability company in Eagle - \$100
Idaho Resort Realty, LLC, limited liability company in Donnelly - \$100
Ideal Property Options Realty, LLC, limited liability company in Twin Falls - \$100
Jackson, Jeffrey Dale, designated broker in Meridian - \$100
Jacobson, Michael A. P., designated broker in Boise - \$100
Jane Folgeman Real Estate, Inc., corporation in Jackson, WY - \$150
Jenks, Kendra A., salesperson in Twin Falls - \$200**
Jess II, Kermit John, salesperson in Meridian - \$100
Johansen, Dale, salesperson in Boise - \$100
Johnson, Craig Albert, salesperson in Spokane, WA - \$100
Johnson, Daniel H., salesperson in Meridian - \$200**
Johnson, Jennie K., salesperson in Meridian - \$200**
Johnson, Tyler, salesperson in Boise - \$100
Jones, Arthur E., inactive salesperson - \$100
Jones, Milton Stewart, designated broker in Boise - \$100
Kartchner Homes, Inc., corporation in Idaho Falls - \$100
Kelley-Kutz, Colleen, salesperson in Spokane, WA - \$100
Kerby, Lisa, designated broker in Fruitland - \$100
Kiperash III, George S., salesperson in Coeur d'Alene - \$100
Kloepfer, Joyce, salesperson in Boise - \$100
Kojis, Jr., Anthony S., designated broker in Boise - \$100
Kovacs, Bela Gregory, salesperson in Post Falls - \$100
Kovacs, Monica Therese, salesperson in Post Falls - \$100
Kuhlmann, Julie, salesperson in Spokane, WA - \$150
Laib, Dennis, designated broker in Glens Ferry - \$100
Larry Hansen & Company Inc., corporation in Kuna - \$100
Le Moyne, Harry, associate broker in Twin Falls - \$100
Leroy Johnson, Inc. dba Coldwell Banker Northwest Group, corporation in Spokane, WA - \$100
Leroy Johnson, Inc. dba Coldwell Banker Northwest Group, corporation in Spokane, WA - \$200**
Lord, Shula, inactive broker - \$100
Ludwig, Scot M., salesperson in Coeur d'Alene - \$100
Mackay, James T., salesperson in Spokane, WA - \$100
Mackley, Charles "Chuck", designated broker in Salinas, CA - \$100
Martin, Marilyn M., inactive broker - \$100
Mary, Devra, associate broker in Ketchum - \$100
May, James "J. Dee", designated broker in Twin Falls - \$100
McArthur, August "Pete", designated broker in Nampa - \$200**
McLellan, Scott A., salesperson in Boise - \$100
McLeod, Tom, salesperson in Boise - \$200**
Mitton, Zane, salesperson in Burley - \$100
Moffat, Judith Ann, salesperson in Eagle - \$100
Monday, Barbara, salesperson in Meridian - \$200***
Moody, Patricia A. "Patty", inactive salesperson - \$100
Motion Realty, LLC, limited liability company in Coeur d'Alene - \$100
Motion Realty, LLC, limited liability company in Coeur d'Alene - \$200**
Nelson, Stew, salesperson in Jerome - \$100
Newton, Derek, salesperson in Ketchum - \$100
Nipko, Tucker, designated broker in Ogden, UT - \$100
Nolan, Thomas, salesperson in Sandpoint - \$100
Ordway, Kevin, salesperson in Twin Falls - \$200**
Palm, Kellie, salesperson in Coeur d'Alene - \$100
Palouse Commercial Real Estate, limited liability company in Moscow - \$100
Paragon Real Estate, LLC, limited liability company in Boise - \$100
Parker, Jerry L., inactive salesperson - \$100
Phelps, Stanley, salesperson in Glens Ferry - \$100
Pincock, Eddie, salesperson in Rexburg - \$100
Pipkin, Matthew, salesperson in Nampa - \$100
Preferred Real Estate Group, LLC, limited liability company in Caldwell - \$100
Primemark Advisors, LLC, limited liability company in Ketchum - \$100
Reagan, Patrick J., inactive salesperson - \$100
Red Cliff Properties LLC, terminated limited liability company - \$200**
Rice, Charles James "Jim", associate broker in Meridian - \$100
Richmond, Brad, salesperson in Coeur d'Alene - \$100
Robbins, Michael, salesperson in Blackfoot - \$100
Rogers, GiGi, inactive salesperson - \$200**
Royall, Scott W., associate broker in Logan, UT - \$100
Sander, Darcelle, salesperson in Meridian - \$100
Savage, Donna Marie, designated broker in Boise - \$200**
Schmidt, Cynthia "Lisa", salesperson in Eagle - \$100
Setters, Douglas, inactive salesperson - \$100
Shaw, Mary M., salesperson in Twin Falls - \$100
Simmons, Julie, salesperson in Boise - \$100
Simonson, Todd Michael, salesperson in Boise - \$100
Sorrells, Kenneth, inactive salesperson - \$200**
Spofford, William, salesperson in Boise - \$100
Strickland, Jonathan, salesperson in Eagle - \$200**
Sudmeier, Jeffrey D., salesperson in Boise - \$200**
Swenson, Christopher, salesperson in Boise - \$100
Swenson, Christopher, salesperson in Boise - \$200**
Tarbet, Sally, salesperson in Star - \$100
Terrell, Brett, designated broker in Coeur d'Alene - \$100
Terrell, Brett, designated broker in Coeur d'Alene - \$200**
The C & H Group LLC, limited liability company in Boise - \$100
Thomas II, Edwin "Ned" J., inactive broker - \$100
Tilman, William Patrick, salesperson in Meridian - \$100
Todd, Abby, salesperson in Island Park - \$100
Todd, Bruce, salesperson in Boise - \$100
Tomich, Kathleen A., designated broker in Post Falls - \$100
Traudt, Molly, salesperson in Caldwell - \$200***
Treasure Valley Properties Inc., corporation in Meridian - \$100
Tucker Stone Real Estate, limited liability company in Ogden, UT - \$100
Vernon, Kevin L., salesperson in Boise - \$100
Village at Riverstone Real Estate, LLC, limited liability company in Coeur d'Alene - \$100
Wakewood, Kendal, salesperson in Twin Falls - \$100
Washburn, David W., salesperson in Boise - \$100
Western Realty Advisors, Inc., corporation in Boise - \$100
Wheeler, Ted E., associate broker in Nampa - \$100
White, Richelle, salesperson in Boise - \$100
Whittley, Amber, salesperson in Boise - \$100
Witham, Tammy, inactive broker - \$100
Wolin, Lois, salesperson in Meridian - \$100
Wood, Elizabeth Ann, salesperson in Nampa - \$100
Yearsley, James, inactive salesperson - \$200***

Salespersons, associate brokers and designated brokers who stipulated to violation of Idaho Code 54-2002 and 54-2018(2)

- continuing to practice as a licensee after license expired or was inactivated. Issued a fine of the amount shown. First time violation unless indicated otherwise by asterisks. If a licensee's designated broker (shown in parentheses) stipulated to violation of 54-2038(3) and 54-2060(10) - failure to adequately supervise by allowing an unlicensed person to represent the broker, then that designated broker's fine is also shown. (In May, commissioners revised late fee to \$10 per day, with no violation for designated broker.)

Adams, Jackie S., associate broker in Rigby - \$340
Armstrong, Paige, salesperson in Pocatello - \$660
Barton (Collins), Sheila Lynne, salesperson in Boise - \$40
Bonman, Luz "Lucy" C., salesperson in Pocatello - \$80
Brevig, Linda S., inactive salesperson - \$100
Callaway, Cheryl, salesperson in Caldwell - \$150 (**Jeanne Myers** - \$150)
Castle, Sallie B., salesperson in Ketchum - \$10
Clayton Jr., Richard I., salesperson in Swan Valley - \$320
Dresen, Patricia C., associate broker in Middleton - \$80
Ellsworth, Scott, salesperson in Boise - \$30
Evans, René Jean, salesperson in Pocatello - \$370
Franden, John Scott, salesperson in Eagle - \$100
Fulcher, Russell, salesperson in Eagle - \$150 (**Mark Bottles** - \$150)
Gabrielli, Anthony A., salesperson in McCall - \$280
Gardner, Mistie B., salesperson in Boise - \$20
Geraghty, Ryan, salesperson in Eagle - \$300** (**Steve Barbey** - \$150)
Hagaman, Frank N., salesperson in Boise - \$10
Haney, Lisa, salesperson in Twin Falls - \$150 (**L. Jill Stone** - \$150)
Harmon, Kelly R., salesperson in Meridian - \$20
Heinrich Jr., Thomas G., associate broker in Ketchum - \$280

Hendrixson, James R., salesperson in Kellogg - \$330
Hubbard, William, salesperson in Ketchum - \$200
Ivacek, Kimberly D., salesperson in Nampa - \$80
Jaskowiak, Shana Dee, salesperson in Boise - \$200
Jeglum, Corrie, salesperson in Meridian - \$60
Kovacs Jr., George S., inactive salesperson - \$360
Kuester, Kurt N., salesperson in Boise - \$20
MacDonald, Robert E., salesperson in Coeur d'Alene - \$110
Marez, Tiffany, salesperson in Meridian - \$20
McCann, Michael D., associate broker in Sun Valley - \$550
McDermott, Casey L., inactive salesperson - \$1,230
McMaster, Meagan, salesperson in Meridian - \$50
Melin, Whitney T., salesperson in Ketchum - \$490
Norris, Melissa R., associate broker in Eagle - \$150 (**Kristen Van Engelen** - \$150)
O'Connor, Kathie, salesperson in Boise - \$20
Ouderkerken, Robert J., salesperson in Lewiston - \$150
Petersen, Trenna, salesperson in Meridian - \$870
Peterson, Aaron J., salesperson in Meridian - \$30
Porter, Russell B., salesperson in Hailey - \$650
Prideaux, Rosario, salesperson in Boise - \$80
Rehling, Juany C., salesperson in Nampa - \$80
Rizzo, George, salesperson in Ketchum - \$490
Ropicky, Sheldon, salesperson in Pocatello - \$190
Routhier, Beth A., salesperson in Meridian - \$420
Rowland, Dewey M., designated broker in Boise - \$80
Salamone, Karsun S., salesperson in Meridian - \$390

Shumway, Jason, salesperson in Boise - \$110
Silvaz, Juan, salesperson in Boise - \$90
Smith, Scott D., salesperson in Coeur d'Alene - \$300** (**Gary T. Schneidmiller** - \$300**)
St. George, Anthony, associate broker in Ketchum - \$300 (**John Sofro** - \$300)
Sterneke, Bruce, inactive salesperson - \$1,000** (**Michael Drury** - \$500)
Waldorf, Wesley L., salesperson in Meridian - \$390
Westberg, Pamela J., salesperson in Boise - \$80
Winget, Susan S., associate broker in Ketchum - \$550
Wystrach, John C., salesperson in Meridian - \$10
Young, Beverly, salesperson in Eagle - \$30

The following designated brokers were issued a citation and civil fine as shown for violations found during their office audits:

Bartlett, Larry R., designated broker with Kartchner Homes, Inc. in Idaho Falls - \$25
Breazeal, Rose, designated broker with Kellogg/Wallace Silver Valley Realty, in Kellogg - \$25
Davis, Lora, designated broker with Silver Peaks Realty in Driggs - \$25
Hebdon, Andrea, designated broker with Help-U-Sell of Rexburg, in Rexburg - \$25
Jones, Rodney Alan, designated broker with Idaho's Real Estate in Rexburg - \$100
Kelly, George, designated broker with Legacy Land Group NW, LLC, in Hayden - \$25
Ross, Marcus, designated broker with Northwest Outdoor Properties, in Sandpoint - \$25
Schneidmiller, Gary T., designated broker with Coldwell Banker Schneidmiller Realty in Coeur d'Alene - \$75
Snyder, Mark S., designated broker with Idaho Land & Home, in Kamiah - \$25
Thompson, Donald, designated broker with Diamond T Realty in Victor - \$25

IREC's Most Wanted Continued from page 12

Palumbo, Jacqueline Kay, SP32345
Parker, Geoffrey K., SP17758
Partlow, Geri L., SP22898
Pettingill, Michael Dean, SP35184
Ransom, Gregory Keith, SP31101
Reece, Robert, BR14840
Rhead, Blake, SP36988
Risi, Joseph Stephen, BR36695
Rivera, Azeneth, SP38129
Rowe, Betty Gay, SP6880

Rueppel, Ronald Benton, SP32022
Satterfield, Steven H., BR7003
Schwindt, Cathy Austine, SP28182
Sharp, Justin Ryan, SP33961
Sigman, Thomas Jed, SP34285
Stanger, Carmen Kay, SP35565
Steiner-Leach, Travis Lewis, SP32732
Stone, Stephen John, SP27617
Stratton, Brett Theodore, BR36755
Strong, Joyce Penny, BR7721

Suarez, Anthony R., SP31678
Trafford, Alice G., SP7693
Tussing, Michelle Renee, SP36440
Wade, David R., BR8262
Walker, D. Jerry, BR8281
Weingart, John Ely, SP28840
Whitney, Lisa Elaine, SP28147
Wilson, Theodore John, BR26381
Wood, William Wallace, BR28287
Zollinger, Angela Diane, SP30343



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