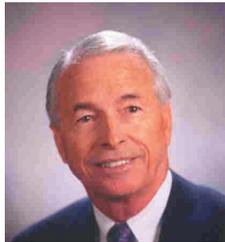


The Real Estatement

Vol. 29 No. 2

July 2009



**By Andy Enrico
Commission Chair**

Songs On The Commission I-Pod

“On the Road Again”

The title of Willie Nelson’s song explains a program the Commissioners instituted over the last 3 years, to have at least one Commission Meeting held in a different part of our state each year. We understand it’s not convenient for licensees to make it to Boise where IREC’s regular monthly meetings are held, so this is a way of bringing the meetings to you.

So far we’ve held our April meetings in Pocatello in 2007, Twin Falls in 2008 and our most recent meeting In April of this year in Idaho Falls.

It was great to see so many licensees from that part of our state (we had standing room only) at the meeting. Like all previous “out of town meetings” we learn more from the attendees than, I’m sure, you learn from us. We always receive thoughtful questions and suggestions from the licensees at these meetings, and always come away pleased to receive your input.

On behalf of the Commissioners and the Commission staff, I want to thank the Greater Idaho Falls Association of REALTORS® for their hospitality as hosts for April’s Commission meeting.

“Changes”

This David Bowie song also explains some changes regarding the Civil Penalty Fine money that’s being used to provide free and low cost educational programs to all licensees.

The Commission is only allowed to award a limited amount of the civil penalty fine money each fiscal year for these classes. The amount of individual requests we’re receiving is requiring much more administrative time to monitor.

Based on the attendance and comments from attendees of the free CORE classes the civil penalty fine money helped to underwrite this past fiscal year, the Commissioners made a decision at the June meeting to focus on making the Commission’s required CORE class available free to as many of the licensees as possible in fiscal year 2010 which starts July 1st of this year.

So, beginning July 1st, the Commission we’ll be taking bids from providers who want to offer free CORE courses around the state.

We’re also aware of the need to have broker prelicense courses available around the state and we’ll also be looking for bids from providers who are willing to offer broker prelicense courses statewide with help of some underwriting funds from the civil penalty fine money. Again, the Commission will be accepting those bids from providers beginning July 1st too.

The bidding process for all of the civil penalty fine money beginning July 1st will be done through the state’s purchasing department to make sure everything is done according to the state’s bidding requirements.

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EXECUTIVE DIRECTOR'S REPORT



Jeanne Jackson-Heim

What happened to the reciprocal license agreements??

In the late 1990's, IREC signed 16 license agreements with various states and 1 Canadian province. (Interestingly, there has never been a license agreement with Washington.) The agreements provided that a licensee from another state could obtain and maintain an Idaho license with no exam or education requirements so long as his/her primary state license was active and in good standing. Licensees from a state without an agreement were licensed under Idaho Code 54-2015, which allows an active licensee from another state to have the national portion of the licensing exam and the prelicense education waived.

The agreements weren't all the same, so there were a lot of varied requirements to obtain and renew an Idaho license. There were still other different requirements if someone was licensed under Idaho Code 54-2015 instead of under an agreement. For example, license applicants under an agreement did not have to take the Idaho portion of the licensing exam. Applicants under Idaho Code (including our own Idaho residents) were required to take the Idaho portion of the exam.

Licensees by agreement never had to take an Idaho Core course. Our own Idaho folks and those licensed under section 54-2015 did have to meet Idaho's CE requirements.

We found licensees who became licensed in Idaho under agreements and then moved to Idaho and let their primary licenses lapse, contrary to the

agreements. We identified a few who hadn't taken any CE in a long time. We even learned of some applicants who failed the Idaho portion of the license exam. They shopped for a state with easier licensing requirements and an Idaho agreement in order to obtain an Idaho license without having to pass the Idaho license exam.

Some of the agreements provided that the out-of-state licensee could not work out of an office situated in Idaho. My favorite story involves a licensee who lives in Idaho but was licensed in Wyoming. Due to her broker's having been licensed under the agreement, she wasn't able to get a primary Idaho license to work in a brokerage in her own Idaho town, unless she changed Wyoming brokerages. Are you confused yet? Think of what it was like for applicants and IREC staff to try to understand or explain these requirements (dare I use the word "nightmare"???).

Over the last couple of years, we noticed other states beginning to change or cancel the license agreements. Kansas and Missouri were the first to cancel all agreements in 2007. In 2008, the Commission received a request to modify the Nebraska agreement due to an increase in that state's licensing requirements. Nebraska's new requirements so closely mirrored Idaho Code 54-2015 that the Commissioners voted instead to simply terminate the agreement because it was no longer necessary.

The Commissioners took this opportunity to review the license agreements. We learned of many inequities, and we were dissatisfied that some applicants were trying to use the agreements to circumvent Idaho license law and rules. During these discussions, Montana cancelled its agreement, and the Commissioners decided to cancel the remaining agreements. Colorado's cancellation letter crossed with ours in the mail,

and we learned that Wyoming would have cancelled the agreement if we had not done it first.

For most of the jurisdictions, there were either very few or no licensees who were affected by the cancellations. The biggest exception was Oregon, where there were approximately 200 Idaho licensees with reciprocal Oregon licenses. After all the other agreements were cancelled, we left the Oregon agreement in place for several months to try to negotiate revisions instead of canceling it.

Over a period of several months, the Oregon Real Estate Commissioner and I discussed this matter, reviewed our respective state laws with our attorneys, and tried to reach a resolution that would work for both states. However, Idaho's and Oregon's licensing requirements are just too dissimilar, and we could not come to consensus. In fact, Oregon preferred that the license agreement be cancelled, and that is the action that was taken effective June 30, 2009. Oregon did allow existing reciprocal licensees to convert to a regular Oregon license without taking additional education or the state licensing exam. Oregon also gave the Idaho folks until their next Oregon renewal date to come into compliance with other Oregon requirements.

It is the Commission's responsibility to protect the public interest in Idaho and to ensure fair application of the Idaho License Law and Rules. The Commission feels this charge is best met by requiring all Idaho licensees to pass the Idaho license exam and meet Idaho's CE requirements, including a Commission core course every 2 years. A License Recognition Taskforce, of which I am a member, was recently established by the Association of Real Estate License Law Officials. The Commissioners and I will continue to be involved in this important discussion.

EDUCATION UPDATE



Mandy Wood
Former Education
Director

The Commission recently adopted new Valuation & Analysis and Finance textbooks with corresponding curriculum. The Valuation Analysis textbook is *Real Estate Appraisal* by Rockwell Publishing and the Finance textbook is *Essentials of Real Estate Finance, 11th Edition* by David Sirota and printed by Dearborn Real Estate Education. These courses are still 30 hours each and are elective classes for your broker's license.

Brokerage Management had a complete rewrite and is now up and running. The new curriculum is only 26 hours and includes the new Business Conduct and Office Operations (BCOO) course. We have created an online version of the BCOO which is available through many

Idaho providers. The BCOO by itself is 4 hours and is required to become a Designated Broker. We have also developed a new Real Estate Law final exam. Be sure to study! As a reminder, both Real Estate Law and Brokerage Management are required, within the 3 years prior to the application dates, to obtain your broker's license.

Once you get your broker's license, it is a new license and starts your licensing period over. This means none of your broker prelicense classes can count for continuing education (CE) for the first renewal after you get your broker's license. So please be careful. You will need 16 hours of elective CE PLUS the Idaho CORE course to renew your license, and your renewal date may or may not change based on when you chose to get your broker's license.

Please log in to our online services to check your education before renewing your license. ALL renewals and activations will be audited for compliance with the CE requirements. Two months after you renew or activate we will check to see that you had the required 16 CE credits plus the Core. If there is a discrepancy 3 Audit Letters will be sent; one to your home, one to your office, and the third to your Designated Broker. This letter will give you 10 days to respond to us. If you get one of these letters, please check your education online and then, fax, email or send us the missing

information. It will be posted to your record promptly and we will process you as In Compliance!

If for some reason there was a misunderstanding and you did not have the necessary credits to renew or activate your license then we can put you on hold until you make-up lacking credits, but you may be subject to a fine from the Enforcement Department. The most important thing is to respond. We would rather work with you to find a solution, but to save yourself time and potentially money just check first!

If you take out-of-state education or designation courses and they are not posted to your education record, you will need to submit the Licensee's Request for Continuing Education form. This can be found on our website at <http://www.irec.idaho.gov/forms/ree153.pdf>. We will review the information to see if the course fits into Idaho's Approved Topics (Rule 402). We will notify you promptly of the results so you will know if you need to take additional courses to renew or activate your license.

Idaho's Rule 402 (Approved Topics for CE) recently changed slightly, so please be sure your class will fit. There is a list of 20 Approved Topics, but your class must specifically "pertain to real estate brokerage practice and actual real estate knowledge". See the License Law and Rules book for a complete list.

DISCIPLINARY ACTIONS

Formal actions issued by the Real Estate Commission:

Arnell, Guy E., designated broker in Burley, Idaho. California licensee without an Idaho license obtained a listing on Idaho property, and approached Arnell's licensee, Brent Wilson, about a referral but would not allow him to take a listing or contact the sellers. Wilson advertised the property and included contact info for the CA licensee in the advertisements. Arnell stipulated to violation of Idaho Code sections 54-2038.(1)(a) - failure to supervise his licensee, and 54-2053.(1) - allowing an unlicensed person to represent the brokerage in an advertisement. Given a Formal Reprimand; ordered to pay a \$500 civil fine; required to pay \$300 in costs and attorney's fees; and must successfully complete a BCOO class within six months.

Betzold, Jerry L., salesperson in Nampa, Idaho. Stipulated to violation of Idaho Code sections 54-2023.(1)(a) and 54-2060.(7) - failure to obtain Continuing Education in a timely manner. Mitigation Hearing held on November 20, 2008. Issued a formal reprimand; ordered to pay a \$1,000.00.

Blessinger, Thomas D., currently an inactive salesperson in Caldwell, Idaho. Stipulated to violation of Idaho Code sections 54-2060.(7) - filing a false application for renewal; 54-2061.(1)(a) - a Felony conviction; and 54-2061.(3) - failing to report the conviction within 20 days to the Commission. Given a formal reprimand; his license is suspended until May 1, 2011 (to run concurrently with his criminal probation), with the suspension withheld, provided he complies with the terms of his criminal probation, pays all costs and attorney fees on time, complies

with the terms of the Final Order, and violates no further license laws. Ordered to pay costs and attorney's fees of \$300.00

Chance, Joe C., salesperson in Meridian, Idaho. Stipulated to violation of Idaho Code section 54-2060.(7) - employment of fraud, deception, misrepresentation, misstatement, or any unlawful means in applying for or securing a real estate license. Given a formal reprimand; ordered to pay a civil fine of \$1,500; costs and attorney's fees of \$300; and required to successfully complete a GRI-102 - Professional Standards, Ethics, Risk Reduction course within 12 months.

Emery, Douglas D. "Doug", salesperson in Meridian, Idaho. Stipulated to violation of Idaho Code section 54-2013.(1) and Commission Rule 121.03 - failure to maintain errors and omissions insurance. Given a formal procedural reprimand;

Guide to SEARCHING for COURSES, PROVIDERS and INSTRUCTORS

To search for courses, providers, and instructors go to our website at www.irec.idaho.gov. Just follow the easy steps below to find a class, provider or instructor near you!

- 1) Click, "Find a Licensee or Class" from our home page.
- 2) Click, "Find a Course", "Find a Provider", or "Find an Instructor".
- 3) When searching for courses, you will have two options to choose from. If you are searching for courses that are scheduled, click the "Search Course Schedules" button. If you are searching to see if a course is certified, then click the "Search All Certified Courses" button.
- 4) Each tab you click will give you a screen where you can choose your search criteria. You will also be able to download each list to a Microsoft Excel spread sheet and sort the list to your specifications. (Note, you can choose what to download to Excel by checking or un-checking the options in the download box.)

For example, if you are in need of the CORE and Electives, you can search both at the same time by holding the Control Key (Ctrl) on your keyboard and clicking both the "CORE and the Electives" options in the "Course Type" box. You can also look for live or online courses in the "Course Delivery" box.

DISCIPLINARY ACTIONS		
Formal actions issued by the Real Estate Commission:	Hearing held on November 20, 2008. Issued a formal reprimand; ordered to pay a \$1,000.00.	license. Given a formal reprimand; ordered to pay a civil fine of \$1,500; costs and attorney's fees of \$300; and required to successfully complete a GRI-102 - Professional Standards, Ethics, Risk Reduction course within 12 months.
Arnell, Guy E. , designated broker in Burley, Idaho. California licensee without an Idaho license obtained a listing on Idaho property, and approached Arnell's licensee, Brent Wilson, about a referral but would not allow him to take a listing or contact the sellers. Wilson advertised the property and included contact info for the CA licensee in the advertisements. Arnell stipulated to violation of Idaho Code sections 54-2038.(1)(a) - failure to supervise his licensee, and 54-2053.(1) - allowing an unlicensed person to represent the brokerage in an advertisement. Given a Formal Reprimand; ordered to pay a \$500 civil fine; required to pay \$300 in costs and attorney's fees; and must successfully complete a BCOO class within six months.	Blessinger, Thomas D. , currently an inactive salesperson in Caldwell, Idaho. Stipulated to violation of Idaho Code sections 54-2060.(7) - filing a false application for renewal; 54-2061.(1)(a) - a Felony conviction; and 54-2061.(3) - failing to report the conviction within 20 days to the Commission. Given a formal reprimand; his license is suspended until May 1, 2011 (to run concurrently with his criminal probation), with the suspension withheld, provided he complies with the terms of his criminal probation, pays all costs and attorney fees on time, complies with the terms of the Final Order, and violates no further license laws. Ordered to pay costs and attorney's fees of \$300.00	Emery, Douglas D. "Doug" , salesperson in Meridian, Idaho. Stipulated to violation of Idaho Code section 54-2013.(1) and Commission Rule 121.03 - failure to maintain errors and omissions insurance. Given a formal procedural reprimand; ordered to pay a civil fine of \$100.00; and costs and attorney's fees of \$1,000.
Betzold, Jerry L. , salesperson in Nampa, Idaho. Stipulated to violation of Idaho Code sections 54-2023.(1)(a) and 54-2060.(7) - failure to obtain Continuing Education in a timely manner. Mitigation	Chance, Joe C. , salesperson in Meridian, Idaho. Stipulated to violation of Idaho Code section 54-2060.(7) - employment of fraud, deception, misrepresentation, misstatement, or any unlawful means in applying for or securing a real estate	Horn, Kathleen , salesperson in Jackson, Wyoming. Stipulated to violation of Idaho Code section 54-2087.(5) - failure to account for a client's web domain when she moved to another brokerage. Given a Formal Reprimand; ordered to pay a \$1,500.00 civil fine; must successfully complete a live agency class of four hours; and required to pay \$300.00 for costs and

Disciplinary actions, continued on page 8

Thank You & Farewell



**By R. Gail Heist,
Retiring Chairman,
Education Council**

Thank you for the opportunity to serve on the Idaho Real Estate Education Council for the past eight years and allowing me to provide input since 1972. I will be stepping down from the Education Council in July after being involved in real estate education for the past 38 years. It's been interesting and challenging, and I have seen a tremendous amount of change in both real estate education and the real estate industry. After turning 70 in March, I decided it was time to slow down and turn education over to the younger real estate educators. I plan to drop in to see how the Council is continuing to achieve bigger and better things in coming years and may provide a little wisdom.

As for my future life, "Post – Education Council", I plan on staying active in real estate by teaching a few classes and spending some time doing commercial real estate transactions. I look forward to having more time to travel to car shows to show my 1949 Oldsmobile coupe and race at the drag strip.

At my first Education Council meeting we were dealing with a continuing education requirement of 12 hours. It was a set curriculum with no choices. Today, we require a core class plus 16 hours of electives. The major difference is an agent now has about 450 elective classes to select from. A number of these courses are offered online, so the agent can do them at his/her own convenience at home or office.

Because of the emphasis placed on education by the Real Estate Commission, licensees in Idaho are better educated than most agents across the United States. This emphasis has allowed Idaho to receive over **20 Education Awards** from the Association of Real Estate License Law Officials (ARELLO) and the Real Estate Educators Association (REEA) over the last 20 plus years. It has been a tremendously gratifying opportunity to be involved during this time period.

As the real estate industry has gone through many changes both in industry practice and legislation, the Education Council has kept up with these changes by revising the curriculum on most of the following courses within the last couple of years: Module 1 and 2, Brokerage Management, Business Conduct & Office Operations, Finance, Real Estate Law, and Valuation and Analysis. They have also added many courses like the 8 Interactive Modules.

I wish everyone good luck and I will see you around.



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Recent Changes to the License Law



**By Craig Boyack
Chief Investigator**

There are several changes to the Idaho Real Estate License Law and Rules this year. These changes go into effect July 1, 2009. This article is intended to explain what these changes are, and how they might affect your business.

Under the agency laws, there are changes to the “duties owed to a client”. Idaho Code Section 54-2087(10) clarifies that multiple licensees, acting as agents under the same brokerage, are not held to have imputed knowledge. This means an individual agent cannot be disciplined for something one of his co-workers knows that may affect the client he is working with. Of course, if the individual agent also has this information he could be held liable under what is called actual knowledge.

Idaho Code Section 54-2087(11) makes clear that a brokerage and its licensees may represent individual buyers for the same real property. Under this law the brokerage must advise all affected buyers in writing of the situation.

Continuing with agency, Idaho Code Section 54-2050 was also modified. Sellers Representation Agreements no longer must include a legal description. These agreements must sufficiently identify the location of the property to all parties (the seller and the brokerage). The law also clarifies that a representation agreement cannot be declared invalid for the lack of a legal description.

The Commission recommends, as a business practice, that licensees include legal descriptions when they are available. They will be needed for any Purchase and Sale Agreements that are prepared, and this data will be readily available this way. This will also settle any disputes as to whether the property was “sufficiently identified” to all parties. The Commission understands that when properties are under development the legal descriptions are not available until the development is approved.

The regulations for handling entrusted funds and consideration were also modified during this legislative session. Idaho Code Section 54-2041 was modified to ease the burden of accounting for monies that will be held by an escrow holder of some sort. A designated broker will not have to consider a title or escrow holder as a separate trust account and maintain additional records of funds held at the title or escrow company.

A brokerage can allow the principals to the transaction to direct the consideration to be held by a title or escrow company. The broker must still create a ledger card for the transaction, under Idaho Code Section 54-2044.(2). The card will simply note that funds were submitted directly to the escrow holder, or that the brokerage delivered the funds to the escrow holder. The final disposition of the transaction must still be noted on the ledger card. Remember that if the brokerage handles the funds, they still must obtain receipts when they deliver the funds to escrow. When consideration is handled this way, the designated broker is not required to account for the consideration on a monthly basis.

The law did not eliminate real estate trust accounts, or forbid brokerages from using them. When they are used, they must still be maintained and balanced in the traditional manner. The law simply provides brokerages with a new option.



**Please refrain from using your
cell phone in the Idaho Real Estate
Commission building!**

HONOR ROLL
Offices with NO Audit Violations
(From 1 November, 2008 -- 30 June, 2009)

Anthony Jefferson “Jeff” Martel, 43 Degrees North Real Estate, Boise

Jon M. Goche, John Gosche Real Estate, Boise

William Scott Bishop, Bridgetower Real Estate, LLC, Meridian

Lynn LeMae Moore, Realty World – Moore Premier Properties, Meridian

David Jeffrey “Jeff” Dildine, Realty One Centre of Boise Inc., Boise

Michael L Baxter, Realty One Baxter & Associates, Boise

Jeffrey C. Huber, White-Leasure Development Company, Boise

John W. Faw, Waldo Real Estate, New Plymouth

George Paul Lazaris, Lazaris Realty LLC, Boise

Christian E. Hansen, House of Brokers Home Team, Boise

Terry L. Rinearson, Silverhawk Realty LLC, Caldwell

Robert Michael “Mike” Harrington, The Real Estaters LLC, Orofino

attorney’s fees.

Horton, Philip, designated broker in Nampa, Idaho. Stipulated to violation of Idaho Code sections 54-2038.(1)(a) - failure to supervise his licensee and 54-2038.(1)(b) - failure to review and approve all real estate contracts. Given a Formal Reprimand; ordered to pay a \$500 civil fine; required to pay \$300 for costs and attorney’s fees; and must successfully complete a live GRI-102.

Johnson, Daniel H. “Dan” salesperson in Meridian, Idaho. Stipulated to violation of Idaho Code sections 54-2023.(1)(a) - failure to obtain CE in a timely manner, and 54-2060.(7) – misstatement in the application for renewal of a real estate license. Mitigation Hearing held 2/19/09. Given a Formal Reprimand; ordered to pay a civil fine of \$250.00; and costs and attorney’s fees of \$125.

Lovette, T. Chance, salesperson in Mountain Home, Idaho. Took a limited service listing and failed to be available

to receive and exchange offers. Stipulated to violation of Idaho Code section 54-2087.(3) - failure to be available to receive and present offers and counter offers which duty cannot be waived under 54-2087.(5). Given a Formal Reprimand; ordered to pay a \$1,000.00 civil fine; required to pay \$300.00 for costs and attorney’s fees; and must successfully complete live 4 hour agency class.

Maclay, Michael Scott, salesperson in Coeur d’Alene, Idaho. He took advance

fee listings and pocketed the fee without conducting through brokerage. Took Idaho listings under his Washington brokerage, but promoted them in Idaho under his Idaho brokerage. When the Idaho broker fired him he went to work for an Idaho broker who died shortly afterward. Maclay kept the office name and continued to promote himself as a Help-U-Sell franchise even after the brokerage was closed, and despite the franchise’s instructions. While his license was inactive, he procured two listings and

shopped for a broker who would accept them. While at the third brokerage he continued to promote himself as Help-U-Sell despite direct instructions from his new broker. Formal Hearing held November 5, 2008. The Hearing Officer found that Maclay was in violation of the following sections of Idaho Code: 54-2040(5) - using another person’s broker’s license and for continuing to operate the Help-U-Sell franchise after the death of the broker and without being a

broker himself; 54-2050(1)(a) - seller representation agreements not having conspicuous and definite beginning and expiration dates; 54-2050(1)(c) - not having the price of the home on the seller representation agreement; 54-2050(1)(e) - seller representation agreements not signed by the owner of the real estate or the owner’s legal, appointed and duly qualified representative, and the date of such signature; 54-2053(2) - advertising listed properties without the broker’s

Disciplinary actions, continued on page 10



Licensing Supervisor
Neal Bernklau

Why is my insurance going up????

Since October 1994, there are over 1000 reasons real estate agents should have E&O insurance. Approximately 68% of the active licensees in Idaho have purchased E&O insurance from the state contract. To date, there have been 1029 allegations filed with the state contracted E&O companies, costing the insurance company (your premiums) a total of \$6,607,138.76 in costs and payouts. You ask, why is the cost of insurance going up? In the past 15 years there have been 19 properties either sold twice or the wrong property sold, resulting in an indirect cost to you, the licensee of over \$70,000.00 in legal costs and payouts.

How can you help in reducing your premiums? Practice risk reduction by doing your part to make sure all transactions are correct, and by doing so, making everyone in the transaction proud you were there to help.

The top 20 E&O Insurance allegations filed in Idaho are:

Allegations/claims	# Allegations	Total Payouts
1. Breach of Duties	98	\$1,219,520.83
2. Violation of RESPA	1	\$46,293.49
3. Breach of Contract	60	\$590,513.27
4. Consumer Protection Act	13	\$31,121.12
5. Misrep Contract Terms	29	\$131,018.65
6. Negligence	55	\$310,310.95
7. Misrep Sewer	20	\$64,334.43
8. Misrep Size of Property	29	\$117,761.88
9. Misrep Condition	41	\$183,054.13
10. Non-Disclose	39	\$95,432.98
11. Boundaries	47	\$211,443.17
12. Misrep Roof	17	\$66,401.13
13. Misrep Septic	13	\$19,538.70
14. Misrep Well	23	\$135,083.24
15. Earnest/Escrow Money Dispute	50	\$146,100.81
16. Misrep Financials of Business	2	\$118,647.18
17. Fraud	31	\$298,386.77
18. Misrep Other	183	\$1,144,016.96
19. Zoning	10	\$50,704.03
20. Other	23	\$811,576.99

The Commission has awarded the new E&O contract to Rice Insurance Services Company, LLC for the next three years starting October 1, 2009. The premium will be \$186 per year. Renewal notices will be mailed to your business address by August 15, 2009 and will be due by September 30, 2009. Fines will be assessed for those who renew after October 1, 2009.



**Technical Records
Specialist I
Helena Guest**

Ask Helena

I am changing offices, how does this affect my Errors & Omissions insurance?

If you have company insurance coverage under your current brokerage, you lose that coverage the moment your license is no longer placed under that brokerage. If the brokerage you are transferring to doesn't provide coverage for you, then you would need

to obtain Errors & Omissions (E&O) insurance through another carrier, before your license is transferred.

To sum it all up.... If your broker provides E&O insurance for you and you leave the company, you leave your E&O coverage as well! An Active License plus no insurance equals fines and possible inactivation of your license.

Failure of a licensee to maintain Errors & Omissions insurance or failure of a licensee to submit or cause to be submitted a certificate of coverage as required by section 54-2013, Idaho Code, and in accordance with these rules and while engaging in the business of real estate broker or real estate salesperson, as defined in sections 54-2002 and 54-2004, Idaho Code, shall constitute a violation of these rules, and shall be grounds for disciplinary actions as provided in sections 24-5029 and 54-2060, Idaho Code, including but not limited to the assessment of civil fines.

LICENSE STATS

As Of June 15, 2009

Active Brokers	2226
Active Sales Associates	6083
Inactive Brokers	428
Inactive Sales Associates	2979
Active Companies	1229

licensed business name; 54-2053(4) - advertising which is misleading in nature; 54-2054(9) - accepting real estate fees not paid through the broker; 54-2060(2) - engaging in a continued or flagrant course of misrepresentation or making false promises; 54-2060(3) - failure to account for or remit any property, real or personal, or moneys coming into the person's possession which belong to another; 54-2060(11) - dishonest or dishonorable dealings; 54-2060(12) - gross negligence or reckless conduct; 54-2065 and 54-2002 - acting as a real estate salesperson without a license. License revoked; ordered to pay a \$5,000.00 civil fine; and ordered to pay costs and attorney's fees of \$28,266.12

McDaniel, Roxy, salesperson in Coeur d'Alene, Idaho. Stipulated to violation of Idaho Code section 54-2086.(1)(d) - failure to disclose an adverse material fact that he reasonably should have known about to

the buyer. Adverse fact was a water LID assessment. Given a Formal Reprimand; ordered to pay a civil fine of \$2,000.00; costs and attorney's fees of \$300; and required to successfully complete a live 4 hour agency course.

Newby, Joseph, designated broker in Meridian, Idaho. Stipulated to violation of Idaho Code sections 54-2038.(1)(a) - failure to supervise his licensee and 54-2038.(1)(b) - failure to review and approve all real estate contracts. Given a Formal Reprimand; ordered to pay a \$500 civil fine; required to pay \$300 for costs and attorney's fees; and must successfully complete a live GRI-102.

Pearson, Gary L., designated broker in Nampa, Idaho. Stipulated to violation of Idaho Code sections 54-2060.(11) - dishonest and dishonorable dealings; 54-2060.(12) - gross negligence or reckless conduct; and 54-2087.(2) - failure to

exercise reasonable skill and care. Given a formal reprimand; his license is revoked effective 2/27/09; and ordered to pay costs and attorney's fees of \$2,699.73.

Scott, Stanley H., designated broker in Mountain Home, Idaho. Failed to supervise agent in his advance fee limited service agreements. Stipulated to violation of Idaho Code section 54-2038.(1)(a) - failure to supervise. Given a Formal Reprimand; ordered to pay a \$500 civil fine; and required to pay \$300 for costs and attorney's fees.

Tarrant, Sherry L., salesperson in Eagle, Idaho. Forged her broker's signature on 2 representation agreements, and on two sales commission advance contracts. Stipulated to violations of Idaho Code sections

Disciplinary actions, continued from page 8



ONLINE LOTTERY WINNERS!

Renew your license online at www.irec.idaho.gov and you will automatically be entered in a drawing for a refund of your license renewal fee. A new winner every month!

December 2008 - Kari Stokes, SP30730, an inactive salesperson

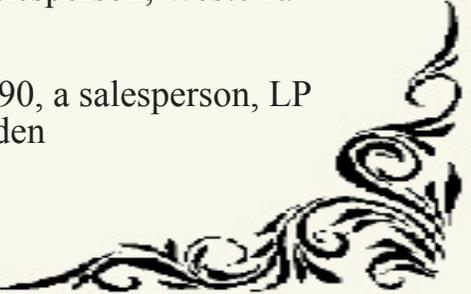
January 2009 - Perla Morales, SP35281, an inactive salesperson

February 2009 - Amy Bradshaw, SP32594, a salesperson, Market Pro Real Estate Services, Boise

March 2009 - Christina Hovey, SP31455, a salesperson, Group One Inc., Eagle

April 2009 - Leslie Poe, SP30547, a salesperson, Westerra Group, Twin Falls

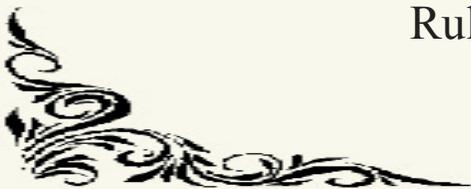
May 2009 - Kimberly Hargrave, SP27690, a salesperson, LP Link Associates, Hayden



~ In Memory ~

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

William McCabe, Eagle
Robert Cargill, Lewiston
Richard T. Knight, Driggs
Jeff Stephenson, Boise
Rula Thomas, Malad



Do You Need Tail Coverage?

The following information was provided by Cindy Rice Grissom, of Rice Insurance Services Company, LLC

The Idaho E&O group policy expires October 1, 2009. Your insurance is written on a claims-made and reported basis. Except to such extent as may be otherwise provided in the master policy, coverage is limited to liability only for those claims that are first made against you and reported to the Company during the Individual Policy Period or any applicable extended reporting period. No coverage exists for claims first made against the insured before the beginning or after the end of the Individual Policy Period. Upon cancellation or non-renewal of your policy, an Optional

Extended Reporting Period Endorsement is available.

Optional Extended Reporting Period Coverage, commonly known as (“Tail Coverage”), may be purchased to cause the policy to apply to Claims first made and reported up to three (3) years after the effective date of the cancellation or non-renewal so long as the negligent act, error or omission is committed subsequent to the Retroactive Date and prior to the effective date of cancellation or non-renewal. Tail Coverage can only be purchased within ninety (90) days after your policy has terminated. Tail Coverage is important because so many professional liability Claims are not made until months after the subject transaction occurs, and some may even be made years after the transaction. If you place your license inactive, or retire your license, you should seriously consider protecting yourself and your assets by purchasing Tail Coverage. To purchase Tail Coverage, or if you plan to reactivate your license and enroll in the group program, contact RISC at (800) 637-7319 or visit our website at www.risceo.com.

54-2060(2) - a continued and flagrant course of misrepresentation; 54-2060(11) - dishonest and dishonorable dealing; 54-2085(3) - failure to prepare agency agreements prior to the preparation of a purchase and sale agreement; and 54-2085(4) -filling the representation confirmation statement out incorrectly in the purchase and sale agreement. Given a formal reprimand; ordered to pay a civil fine of \$3,500; required to pay \$600 for costs and attorney’s fees; and required to successfully complete a live GRI-102 class. In addition, her license is suspended for 12 months, but the suspension is withheld provided she complies with all terms of the Final Order and commits no additional violations.

Tasker, Christopher B., A California licensee, but unlicensed in Idaho. Obtained a listing on Idaho property. Approached Idaho licensee about a referral fee, but would not let Idaho licensee list the property or have any contact with the seller. Stipulated to violation of Idaho

Code sections 54-2002 - unlicensed practice as defined by 54-2004(32)(a)(c) and (d), and 54-2053(1) - placing signage on the property. Ordered to pay a civil fine of \$3,500.00 and required to reimburse the Commission \$300 in costs and attorney’s fees.

Whittemore, Jeffrey D., salesperson in Twin Falls, Idaho. Stipulated to violation of Idaho Code sections 54-2061(1)(a) - for a felony conviction; and 54-2061(3) – failure to report the conviction to the Commission within 20 days. Given a Formal Reprimand; license is suspended until 8/15/2011 but the entire suspension is withheld providing he complies with criminal court order, violates no additional license law, and pays all fees on time; ordered to pay \$300.00 in costs and attorney’s fees.

Wilson, Brent E., salesperson in Idaho Falls, Idaho. Acted on behalf of a California agent who had a listing on Idaho property. Advertised the property including contact data for California

licensee. Stipulated to violation of Idaho Code section 54-2053(4) - misleading advertising. Given a Formal Reprimand; ordered to pay a \$1,000 civil fine; costs and attorney’s fees of \$300; and must successfully complete a live Business Conduct & Office Operations class.

Wilson, Bryan, unlicensed individual in Littleton, Colorado. Stipulated to violations of Idaho Code sections 54-2002 as defined by 54-2004.(32)(a)(c)(d)and (e) and by 54-2004(16) - the unlicensed practice of real estate by acting as a dealer in options. Ordered to pay a civil fine of \$2,500; and costs and attorney’s fees of \$300.

Workman, Timothy “Tim”, salesperson in Rathdrum, Idaho. Sold development lots with a doublewide mobile home on one of them. He placed his own name on the title to the mobile home and rented it to his own tenant for a year. He did not own the land, and the mobile home remained officially

Disciplinary actions, continued on page 13

Cochell, Angelia, salesperson in Boise. \$100

Coldwell Banker Conklin & Company, (Todd P. Conklin, designated broker) in Ketchum. \$100

Coldwell Banker Tugaw Realtors® (Edward A. Tugaw, designated broker) in Brigham City, Utah. \$100

Compton, Julie “Juli”, salesperson in Eagle. \$100

Conklin, Katie salesperson in Boise. \$100

Contour Investment Properties (Cheryl Lane Hindermann, designated broker), in Jackson, Wyoming. \$100

Coulter, James H., designated broker in Hailey. \$200*

Cullum, Tanja, salesperson in Boise. \$100

Deaton, Melanie, salesperson in Meridian. \$100

DeHaas, David, designated broker in Boise. \$100

DeVore, Jennie, salesperson in Boise. \$100

Dofelmier, Erika salesperson in Boise. \$100

Doughty, Kelly, salesperson in Victor. \$200 *

Dundon, Edward R., designated broker in Portland, Oregon. \$200 *

Dye, Richard A., salesperson in Boise. \$100

Earl, William David, salesperson in Boise. \$100

Eason, Casey, salesperson in Island Park. \$100

Eddy, Patricia, designated broker in Bonners Ferry. \$100

Edvalson, Rosemarie, salesperson in Eagle. \$200*

Elite Real Estate Services, LLC, (Keith “Brad” Klahr, designated broker) in Boise. \$100

Engledow Jr., Clinton, salesperson in Kamiah. \$200 *

Erdman, Twila, salesperson in Newport, Washington. \$100

Eubank, Justin, salesperson in Eagle. \$100

Evans, David W., broker in California City, California. \$100

Faris, Scott K., salesperson in Boise. \$200 *

Fields Jr., George L. “Pete”, salesperson in McCall. \$100

Flinders Realty & Exchange Inc. (Tom L. Flinders, designated broker) in Malad City. \$100

Flinders, Kristin salesperson in Malad City. \$100

Flinders, Tom L., designated broker in Malad City. \$200*

Foster, John, salesperson in Boise. \$100

Foster, Mary Jo, salesperson in Boise. \$100

Fox, Kyli J., salesperson in Victor. \$100

Franklin IV, Clarence Eddy, salesperson in Boise. \$100

Fulkerson, Rebekah, salesperson in Boise. \$100

Gemmel, Doug, salesperson in Tetonia. \$100

Gier, Debora K., designated broker in Boise, Idaho. \$200 *

Gilliland, Vlada salesperson in Nampa. \$200*

Gneiting, Nolan, designated broker in Rigby. \$100

Golden Stone Realty, (Robert Reece, designated broker) in Rigby. \$100

Gorrell, Gerald D. designated broker in Glens Ferry. \$100

Graver, Timothy designated broker in Garden City. \$200*

Green Tree REALTORS®, (Rita M. Watson, designated broker) in Idaho Falls. \$100

Greenfield, Stephanie, salesperson in Eagle. \$200*

Grounds, Summer, salesperson in Eagle. \$100

Gundersen, Pamela, associate broker in Price, Utah. \$200 *

Hadden, Craig S., designated broker in Shoshone. \$200*

Hall, Robert E., salesperson in Boise. \$100

Hancock, Jennie Kay, broker in St. George, Utah. \$100

Harrington, Blake, salesperson in Clarkston, Washington. \$100

Harris, Dennis Todd, salesperson in Layton, Utah. \$100

Havey, Karen, salesperson in Eagle. \$100

Hawkins, Dale R., salesperson in Santa. \$100

Hawkins, Debra E., salesperson in Santa. \$100

Hedge, LLC (Anthony Laudonia, designated broker) in Cos Cob, Connecticut. \$100

Heider, Lee, designated broker in Twin Falls. \$100

Heinonen, Kevin S., designated broker in Scottsdale, Arizona. \$100

Henneman, Amanda salesperson in Boise. \$100

Hernandez, Dan, designated broker in Boise. \$200*

Herrick, Steven, salesperson in Boise. \$200*

Hicks, Tom, salesperson in Boise. \$200*

Higley, Douglas, salesperson in Ammon. \$100

Higley, Joshua G. salesperson in Rigby. \$100

Hilbig, Craig, salesperson in Kuna. \$100

Hodgson, Andrew “Drew”, salesperson in Coeur d’Alene. \$100

Hoffman-Lampman, Tanya, salesperson in Caldwell. \$100

Holt, Lee Robert, associate broker in Preston. \$100

Homes For You Real Estate, LLC (Debora K. Gier, designated broker) in Boise. \$100

Huffaker, Joshua salesperson in Lewiston. \$100

Hunt, Jarrod Scott, salesperson in Boise. \$100

Hunt, Jefferson salesperson in Pocatello. \$100

Hunt, Jessica salesperson in Boise. \$100

Iacoboni, Jennifer salesperson in Boise. \$100

Jackson Sr., Michael, salesperson in Boise. \$100

Jackson, Erica, salesperson in Boise. \$100

Janke, Benjamin P., designated broker in Meridian. \$100

Jemmett, Andrew, salesperson in Boise. \$100

Jenkins, Robert M., designated broker in Nampa. \$100

Jeran, Robyn salesperson in Coeur d’Alene. \$100

Jessen, Tim salesperson in Eagle. \$100

Johnson, Daniel H., salesperson in Meridian. \$100

Johnson, Mary B., salesperson in Eagle. \$100

Jones, Ross, salesperson in Boise. \$200 *

Kegley, Rodney, salesperson in Hailey. \$100

Kieran, Mollie G., designated broker in Troy, Montana. \$100

Klinge, Susanne, salesperson in McCall. \$100

Knight, David A., salesperson in Boise. \$100

Koranda, Jennifer, salesperson in Boise. \$100

Kowallis, Douglas, designated broker in Boise. \$100

Lamken, Phyllis, broker in Victor. \$100
Lampman, Jason R. H., salesperson in Nampa. \$100
Land, Judy, designated broker in Donnelly. \$100
Lanum, Betty J. designated broker in Nampa. \$200*
Lanum, Frank E. salesperson in Nampa. \$200 *
Larsen, Rex B., designated broker in Boise. \$100
Laudonia, Anthony, designated broker in Cos Cob, Connecticut. \$100
Leavell, Rick, salesperson in Boise. \$200*
Levicki, Michael, salesperson in Eagle. \$100
Loanetwork.com (Lynda S. Smith, designated broker) in Eagle. \$100
Luong, Tan "Nathan", salesperson in Boise. \$100
Madrid, Charles, salesperson in Boise. \$100
Marchand, Brandon, salesperson in Coeur d'Alene. \$100
Marin, Bryan, salesperson in Meridian. \$100
Marolf, Gary, salesperson in Gooding. \$100
Marolf, Jr., Fredrick, salesperson in Gooding. \$100
Maul, Fred, salesperson in Boise. \$100
McBride, Kent, designated broker in Shoshone. \$200*
McFarland, Kyle, salesperson in Clarkston, Washington. \$100
McMahan, R. Marlene, salesperson in Eagle. \$100
Meckauer, Arthur, salesperson in Wilson, Wyoming. \$200 *
Meeker, Billy, salesperson in Boise. \$100
Mehalechko, Charles, associate broker in Spokane, Washington. \$100
Millage, Robert, salesperson in Kamiah. \$100
Miller, Brent, designated broker in Middleton. \$200*
Misenheimer, Ross, salesperson in Hayden. \$100
Moore-Olsen, Stephanie, salesperson in Pocatello. \$100
Morrison, Christina, salesperson in Mountain Home. \$100
Morrow, Paul, salesperson in Boise. \$100
Murphy, Mollie, salesperson in Coeur d'Alene. \$100
Myers, Donna Leigh, salesperson in Emmett. \$100
Nahas, Robert, designated broker in Eagle. \$100
Neddo, Trina, designated broker in Boise. \$100
Needs Commercial Real Estate Services, Inc. (Teresa A. Puffe, designated broker) \$100
Neilsen, Teri Rae, salesperson in Meridian. \$100
Nelson, Karen K., associate broker in Donnelly. \$100
Northwest Outdoor Properties Inc., (Marcus D. Ross, designated broker) in Sandpoint. \$100
Oeding, Charles, salesperson in Salmon. \$100
Oxford-Lyman, Mona, salesperson in Meridian. \$100
Paskin, Cathy A., salesperson in Tetonia. \$100
Patterson, Jacobi, salesperson in Boise. \$200*
Pelton, Rob D., salesperson in Boise. \$100
Petrilli, Chris, salesperson in Boise. \$200*
Piazzola, Lynne M., designated broker in Noxon, Montana. \$100
Pickren, Michael Patrick, designated broker in Boise. \$100
Poe, Russell B., designated broker in Meridian. \$100
Prater, Jack, salesperson in Boise. \$100
Procore Real Estate LLC (Russell B. Poe, designated broker) in Meridian. \$100
Progressive Realty (James "Jim" I. Paulson, designated broker) in Boise. \$100
Prudential Idaho Realty (Georgia C. Vreeland, designated broker) in Boise. \$100
Radford, Susan, salesperson in Memphis, Tennessee. \$100
Reece, Robert, designated broker in Rigby. \$100
Rhodes, Bradley J., salesperson in Ashton. \$100
Rist, George M., broker in Placerville, California. \$100
Rivara, Louis, designated broker in Pleasanton, California. \$200 *
Riville, Michael A., designated broker in Ketchum. \$200*
Robertson, Jennifer, designated broker in Atlanta, Georgia. \$200 *
Rogers, Ronald P., salesperson in Mountain Home. \$200 *
Roundtree, Nicholas, salesperson in Boise. \$100
Russell, Kevin A., designated broker in Boise. \$100
Sager, Raymond, salesperson in McCall. \$100
Salazar, Gilbert, salesperson in American Falls. \$100
Sanders, Carol A., salesperson in Mountain Home. \$100
Sargent, Bryan, salesperson in Idaho Falls. \$100
Savage, Donna, designated broker in Boise. \$100
Savoia, Damon, salesperson in Hailey. \$100
Sewell, Tanya, salesperson in Kamiah. \$100
Sharp, Justin Ryan, salesperson in Twin Falls. \$100
Shoemaker, Shelly, designated broker in Bellevue. \$100
Slade, Michael Dean, designated broker in Las Vegas, Nevada. \$100
Smith, LaRissa, salesperson in Lewiston. \$100
Smith, Lynda Sue, designated broker in Eagle. \$200*
Snyder, Kelly John, salesperson in Boise. \$100
Southers Properties (David S. Southers, designated broker) in Boise. \$200*
Southers, David, designated broker in Boise. \$200*
Spears, Kim, designated broker in Boise. \$200 *
Spinnaker Realty, (Lena M. Barbot, designated broker) in Star. \$100
Spinnaker Realty, (Lena M. Barbot, designated broker) in Star. \$200 *
Steele, Howard Scott, salesperson in Idaho Falls. \$100
Steele, Jacob, salesperson in Boise. \$100
Stefan, Mircea, salesperson in Boise, Idaho. \$200 *
Steidl, Jessica, salesperson in Sandpoint. \$100
Steiner, John C., salesperson in Boise. \$200*
Strickland, James "Jim", salesperson in Boise. \$100
Sweetwater Community Real Estate (Jon K. Adams, designated broker) in Memphis, Tennessee. \$100.
Tanous, Lisa, salesperson in Ketchum. \$100
Tetonvalleyproperties.com (David A. VanDermeyden, designated broker) in Victor. \$200*
Tew, Brad, designated broker in Springville, Utah. \$100

Idaho Real Estate Commission Staff
208-334-3285 or toll free in Idaho 866-447-5411

Administration.....dial “4”
(Public records requests, Commission meetings, budgeting, human resources, accounts payable, information technology)

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(Administrative Assistant I)
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(Office Specialist II)

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Education Department.....dial “2”
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JoAnn Benavidez - joann.benavidez@irec.idaho.gov.....ext. 102
(Office Specialist II)

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(Investigator)
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(Investigator)
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(Inspector)
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(Licensing Supervisor)
Helena Guest - helena.guest@irec.idaho.gov.....ext. 109
(Technical Records Specialist I)
Kelly England - kelly.england@irec.idaho.gov.....ext. 110
(Office Specialist II)

Operator.....dial “0” or stay on the line

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The Real Estatement is an official publication published semiannually by the Idaho Real Estate Commission. 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 and may be edited as space and content demand. Reprint permission is granted provided credit is given to the Commission and the author. Any article separately copyrighted by its author(s) also requires permission from the other(s). Please advise the Commission office of any individuals with disabilities needing accommodation.

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Governor
C.L. "Butch" Otter
