

The Real Estate

Comments From the Commission Chair



SHOULD WE? OR SHOULDN'T WE?

By Marvis Brice
Commission Chair

The Idaho Real Estate Commission is looking at several issues that probably should be revisited and one of those is whether or not we should be licensing property management.

Prior to 1981, property management was a licensed activity in Idaho. Anyone handling rental properties had to have a license and be accountable for trust accounting (holding deposits, etc). An exception was allowed for managing your own personal rentals. In addition to regular property management (residential and commercial), time management properties such as vacation condo rentals were a new concept and becoming very popular. All of a sudden consumers were renting space by the day, week or month rather than the normal short or long term leases, and existing laws did not fit these new concepts.

The economy at that time (remember those 13+% interest rates) was in the tank and many licensees were not renewing their licenses. The huge drop in the number of licensees resulted in a serious decline in revenue. Budgets for all state agencies were very tight, including the Commission. The economics involved with passing the necessary laws and implementing a new program (more staff) to deal with this was not feasible so the decision was made to just take property management out of the license law.

Fast forward to 2012:

Idaho is one of two states that does not license property management under their real estate licensing department. Our enforcement department receives numerous complaints dealing with property management, so we are aware there are some pretty serious issues out there. Although there is a Landlord/Tenant law, the only enforcement is through the Attorney General's office. With all of the other issues they are charged with handling, it is difficult for the complaining consumer to be heard. Many of these consumers are surprised to learn that the Real Estate Commission is not where they can go with their complaints.

Our upcoming discussion on whether we should or shouldn't look at considering this will need to include the following:

- 1) Is there really a need?
- 2) Should it be covered under our existing license or will it need to be a separate license?
- 3) What about licensees who also do property management, or property managers who couldn't care less about selling real estate?
- 4) What will be the effect on the budget, number of staff, etc.?
- 5) What education requirements will we need to provide?

With the technology available today, I believe this is very doable and its time has probably come. I am sure we will be looking for lots of input before we embark down this road that will require legislation, rule making and implementation. This isn't an easy challenge to take on, but it's important to protect the public interest.

Let us know if you have any suggestions.

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A Vision For the Future

Jeanne Jackson-Heim
Executive Director

Are you confused about when you have to renew your real estate license? Do you remember the date your E&O insurance is due? How about CE? Don't you wish it could all just be a lot easier?

Here at the Commission, we have been talking for several years about ways to streamline the license renewal process and help you make sure you have met all your licensing requirements on time. Of course, nothing can happen without changes to the license law, and we haven't gone to the legislature yet. However, here are a few ideas that have gained traction at the Commission:

1. Change the license renewal period to one year.
2. All licensees would have the same license renewal date (sometime in the late summer or early fall, perhaps).
3. Make the group E&O insurance renewal deadline the same as the license renewal deadline.
4. Every licensee would have to take Core every year. We also talked about a return to the days when all CE was developed by the Commission and there were no electives. A set core curriculum could be established for all licensees, including specialty areas of emphasis, such as commercial brokerage, and forms, code of ethics, etc.
5. No licensee would be able to renew a license unless he or she had completed all CE requirements and had current E&O insurance in effect.

Implementing these changes would dramatically reduce the number of fines imposed for late E&O insurance renewal and failure to complete CE. This would make for a happier relationship between licensees and the Commission, and free up staff time in the Enforcement Department, allowing them to focus on investigating more serious license law violations. Saving staff time also means the Commission runs more efficiently, which correlates to keeping your license fees low. It would be easier for most licensees to renew everything at the same time, and the costs would be consistent on an annual basis.

So while we were at it, we started talking about what else might be good, and another education idea percolated to the top of the pile:

6. Add a post-license education requirement for new licensees in their first renewal period. Once a licensee is actively working, taking some prescribed hours of courses to reinforce the prelicense curriculum could provide a benefit to the licensee and the public.

Please let us know what you would do if you were "king of the forest". Do you have any comments on the above ideas? We are always open to hearing your suggestions and concerns.

July 2012

Audit Honor Roll

November 2011 - April 2012

Danny M. Cafferty, DB1184
Danny M. Cafferty Realty Inc.

Christian E. Hansen, DB11682
House Of Brokers Home Team

Sandra Jean Clancy, DB21148
Silverhawk Realty, LLC

George Paul Lazaris, DB4671
Lazaris Realty

Gregery Darrin "Greg" Davis,
DB25456 Genesis Real Estate Group,
LLC

Kenneth W. Reed, DB15470
Premier Properties Inc.

Michael J. Swope, DB17111
Swope Investment Properties

Donald K. Brandt, DB859
Brandt Agency

Randy D. Ware, DB8356
Gold Key Real Estate

Larry J. Coelho, DB22074
Smith & Coelho of Valley County, LLC

Patricia Anne "Patti" Syme
DB20897, SymeRE

Nikki Lynn Trautman, DB27027
American Dream Real Estate, Inc.

Joshua David "Josh" Oldenkamp
DB36171, Windermere/Access Realty

Garret James Longstreet, DB11029
Century 21 1st Place Realty

Jason Gray Smith, DB24903
Windermere Real Estate/Richard B.
Smith, Inc.

Beckie R. Kukal, DB15231
NorthPointe Realty, LLC

Graydon L. Burnett, DB18219
Sun Valley Brokers, LLC

James K. Figge, DB19622
Sun Valley Associates

David Reed Price, DB6416
Keystone Realty Group

Carla Shockey, DB17471
Advantage 1 Realty

Gary T. Schneidmiller, DB9956
Coldwell Banker Schneidmiller Realty

Clayton Edward "Clay" Nannini
DB 24484, Westerra Real Estate Group

The Real Estate 3

Online Lottery Winners!

Renew your license online at 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 2011 - Marianne Bate, SP21836, Century 21 Southern Idaho Realty, Mountain Home

January 2012 - Karen K. Nelson, DB8447, The Nelson Group, LLC, Boise

February 2012 - Carol Lloyd Mahaffey, SP32558, 43 Degrees North Real Estate, Boise

March 2012 - Christine A. Fraser, SP27544, an inactive salesperson

April 2012 - Tara Baker, SP38805, Voigt Davis REALTORS® LC

May 2012 - Connie M. McKay, SP5276, an inactive salesperson

IREC's New Address is:

**575 E. Parkcenter Blvd.
Suite 180
Boise, Idaho 83706**



Why Do You Need Errors & Omissions Insurance?

MiChell Bird
Education & Licensing Director

Most real estate licensees are professional, conscientious agents. So why would they need Errors and Omissions (E&O) insurance?

Idaho license law 54-2013 requires that all active licensees carry E&O insurance.

This requirement was established to protect you, your clients and the public in real estate transactions. Your insurance could save you thousands of dollars in settlements and attorney's fees, even if you don't ever do anything wrong (see the claims study from Rice Insurance Services).

As stated in the law each actively licensed agent must carry E&O at all times. So, it is important to check your E&O insurance coverage when you move from one brokerage to another. Your E&O may not transfer with you. For example, if you move from a brokerage that carries its own independent firm policy to a brokerage with the state's group policy through Rice, you may need to purchase coverage.

E&O is not required by law for an inactive license. However, when inactivating your real estate license (or not renewing an active license), check your coverage. Many E&O policies are claims made policies, meaning coverage must be in place at the time the claim is made. Additionally, many policies require coverage at the time of

the transaction and continuously from that date to the date the claim arises, with no gaps. Because claims can arise years after a transaction, it is important to consider an extended reporting period endorsement, often referred to as "tail coverage".

Regardless of whether you carry the state's group policy through Rice or independent coverage, you need to know your policy. Be aware of what is included (and excluded), know when your policy expires and always be sure to renew on time.

Real Estate E&O Claims Study

Prepared by Rice Insurance Services Company, LLC

An agent listed property containing a residential home and a separate garage converted into an apartment. The agent's online MLS listing stated the property offered "2 Homes for 1" and advertised the square footage and bedrooms in both structures. After the buyer purchased the property, she discovered that the city had not approved the separate garage apartment, which violated city zoning laws. The buyer was upset and claimed she received only a single family residence when she thought she bought a multi-unit property. The buyer argued that the additional square footage and bedrooms in the separate garage should not have been advertised, because they violated city laws. Copies of the transaction

Continued on page 11

The group E&O insurance policy offered to Idaho Licensees through Rice Insurance Services Co., LLC expires SOON!

**Your policy MUST be renewed
no later than 11:59 p.m.
September 30th.**





Procrastination

Beckie Kukal
Council Chair

As I waited until the last minute to put my thoughts in writing, several things occurred to me that I've been told throughout my life.

- You may delay, but time will not... Benjamin Franklin
- Tomorrow is often the busiest day of the week... Spanish Proverb
- A year from now you may wish you had started today... Karen Lamb
- Poor planning on your part does not constitute an emergency on my part... Author Unknown

Being both a Broker and a member of the Education Council, I have seen firsthand how procrastination affects licensees. How frequently we wait until the very last moment to renew our license, E & O insurance or Continuing Education, all of which create a flurry of frustrated activity for all involved and some additional money from our pockets.

Idaho Code 54-2018 states all applications must be received at the commission office on or before 5:00 p.m. of the expiration date. (No one will be "home" to take your money if you wait until 5:15 and that includes online payments.) You must also certify that you have met the commission's continuing education requirements as set forth in

Idaho Code 54-2023, and met the mandatory E&O insurance requirement as set forth in Idaho Code 54-2013.

Now the part that is so near and dear to MY heart... Continuing Education! The opportunity for continuing education courses is nearly limitless. There are 207 approved LIVE CE elective courses and 97 approved ONLINE CE elective courses. We have tried to make it as interesting and easy to obtain these hours as possible. Online courses are a great way to get those last few hours that you might be missing. There are several really good courses that are 2, 3 or 4 hours. Did you know that if you took CORE last year, you can take the newest version this year and not only get the newest updates to law, legislation and "hot topics" BUT 4 more hours of continuing education. that's like "two benefits for the price of one"?

The Commission has used Civil Penalty Fine money to offer reduced cost Broker courses and FREE Core courses throughout the State. It is the hope of the Council that you will take advantage of these courses when they are offered in your area.

Don't put off until tomorrow what could be done today! Take advantage of all the courses that are available to you and HAPPY LEARNING!

Disciplinary Actions

November 1, 2011 - April 30, 2012

Formal Actions taken by the Real Estate Commission.

Adair, Lauren S., inactive salesperson. Surrendered her license in Oregon, and failed to notify the Idaho Real Estate Commission within 20 days. When she renewed her license, she said she had no reportable actions. Stipulated to violation of Idaho Code 54-2060(7) - misstatement or misrepresentation in applying for a real estate license; 54-2062(1)(b) - having a real estate license revoked for a violation involving fraud misrepresentation or dishonest & dishonorable dealings; 54-2062(2) - failure to report her final administrative action within 20 days. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Anderson, Sarah, associate broker in Victor. Stipulated to violation of Idaho Code 54-2060(12) - gross negligence in a regulated real estate transaction. She did multiple cooperative sales with Nu-Way and its associates, who are all unlicensed. Given a Formal Reprimand; ordered to pay a \$5,000 civil fine. License is suspended for a period of 6 months, but the suspension is withheld provided she complies with the terms of the Final Order. She must successfully complete a live Brokerage Management class, and pay \$300 for costs and attorney's fees.

Bartolome, Brad K., salesperson in Boise. Stipulated to violation of Idaho Code 54-2061(1)(a) - felony conviction; and 54-2061(3) - failure to report the conviction within 20 days. Disciplinary Hearing held 01/19/12. Received a Formal Reprimand; ordered to pay a \$300 civil fine and \$1,860.25 for costs and attorney's fees by April 15, 2012. His license is suspended from March 1, 2012 until June 1, 2013.

Bode, Zachary, unlicensed individual. An agent at Burr & Temkin who is licensed in Washington, but not Idaho. His brokerage took a listing on an Idaho commercial property and placed his name in the advertising materials and on the signage. Responsible for advertising with his name on it. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice, as defined by 54-2004(35)(a) (c) & (d). Ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Bradley, Albert, unlicensed individual. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice and 54-2003(4) - attempting to use exceptions to licensure to evade the law.

Disciplinary Actions continued on page 6

Idaho Real Estate Commission Welcomes Newest Staff Members



Hi, my name is Katie Thiede. I've been with IREC since February 20, 2012. I'm originally from Virginia and North Carolina. I have lived in Idaho

for the last ten years. I love the outdoors especially during the warmer months. I'm a country girl at heart, love animals and enjoy an assortment of outdoor activities, including horseback riding, waterskiing, and biking. I look forward to working at IREC for many years to come.

July 2012



Although Jesama Rosensweig is not new to the Commission, she is new to the Technical Records Specialist II position. We congratulate her.



Ordered to pay a \$4,000 civil fine and \$300 for costs and attorney's fees.

Brinton, Ralph, unlicensed individual. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice, as defined by 54-2004(31)(a), (c) & (d) and 54-2085(1). Unlicensed agent for Nu-Way who took listings in the Teton Springs development. He recruited buyers, accepted earnest monies payable to Teton Springs Realty, and was cooperating agent on multiple sales. Ordered to pay a \$5,000 civil fine and \$300 for costs and attorney's fees.

Burr & Temkin, unlicensed firm. Took a listing for a commercial property in Meridian, posted signage on the property, and advertised it on their website. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice, as defined by 54-2004(35)(a) (c) & (d). Ordered to pay a \$2,500 civil fine and \$150 for costs and attorney's fees.

Cudmore, Patric L., salesperson in Boise. Allowed a contractor into a home to assess repairs. He told the contractor to lock up after leaving, but did not check up on the contractor again. Contractor left the back door unlocked and commenced repairs to the property prior to closing. Stipulated to violation of Idaho Code 54-2060(3) - failure to account for property; 54-2060(12) - reckless conduct; 54-2086(1)(b) - failure to perform customer duties with reasonable skill and care; and 54-2086(1)(c) - failure to perform customer duty to account for property. Received a Formal Reprimand; ordered to pay a civil fine of \$1,500; required to successfully complete a live Idaho Risky Business class; and must pay \$300 for costs and attorney's fees.

Kemmerer, James J., unlicensed individual. Designated broker for Burr & Temkin in Washington. He does not have an Idaho license. Took a listing for a commercial property in Meridian, posted signage on the property, and advertised it on his website. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice, as defined by 54-2004(35)(a),(c) & (d). Ordered to pay a \$2,500 civil fine, and pay \$150 for costs and attorney's fees.

Lindsay, Samantha, designated broker in Pocatello. Accepted an earnest money check from her husband in 2008. After they divorced, she deposited the check in 2011, and converted it to her own use. The check was altered by blacking out the fact that it was payable to her trust account, and the address of the property was blacked out. Formal Hearing held February 16, 2012. Final Order issued April 19, 2012 found her to be in violation of Idaho Code 54-2060(11) - dishonest & dishonorable dealings; 54-2086(1)(c) - failure to properly account for the check that was placed in the care and responsibility of her brokerage; and 54-2060(3) - failure to properly account for or remit property coming into her possession which did not belong to her. Given a Formal Reprimand; or-

Disciplinary Actions continued on page 7



The Compliance Department

Craig Boyack
Chief Investigator

I supervise the Enforcement Department at the Idaho Real Estate Commission. Sometimes I dream of calling it the Compliance Department though.

I know how people are, the minute the Real Estate arrives, the first thing you do is read the disciplinary actions. I did the same thing when I was actively licensed. If you do this, you have just experienced one of the preventative measures we take.

The underlying goal here is to never have to enforce the law against Idaho's real estate licensees. I know this is an unrealistic expectation, but we are making progress toward that goal.

We are trying to take a proactive approach to problems we see coming. To this end, we publish the Real Estate twice per year. While the disciplinary actions are important, they are published to teach you about illegal activity. We want readers to avoid the activity noted under the disciplinary actions. There are also articles about education, licensing, and hot topics and I encourage you to read these.

The license law handbooks are mailed to every licensee right after they are published. This provides a ready reference to licensees in the field. The format has changed over the years to make it more user friendly. There is an index where common topics are listed by page numbers. The changes from the last legislative session are noted by strike through for any material that was removed, and underline for new material. Any recent changes are easy to find. There is even a roster of Commission Staff and direct contact information.

The Commission publishes Guidelines on certain specific topics. These are meant to assist the general public with the Commission's interpretation of the license law. These Guidelines are continuously updated, and new ones are published almost every year.

They are printed in the license law handbooks now for easy reference. They are also available on the Commission's website at irec.idaho.gov

Speaking about the website, it is a very valuable resource for licensees. There is so much information here, it is burdensome to mention in the scope of a news article. Licensees can essentially conduct every piece of mundane business they ever have with the Commission through this website. This includes license renewal, finding CE courses, signing up for various social media, receiving publications, and much more. You can look up licensees from other jurisdictions before you make the mistake of paying them a referral fee. We even provide an annual "doomsday" clock of sorts that counts down to when E&O expires.

We provide several electronic updates that you can sign up for on our website. The Executive Director publishes a monthly newsletter. Our Broker Bulletin is published twice a year in the spring and fall. We post sporadically on Twitter and via Facebook. All of these will come directly to your computer or smart phone if you sign up.

The Enforcement Department receives thousands of calls per year. These calls are mostly assistance or educational in nature. Only a small percentage of calls involve the filing of a complaint. We greatly prefer assisting you with a problem to investigating an illegal act.

The Enforcement Department will occasionally provide speakers for real estate related events. The presentation about short sale fraud made it to every district of Idaho. If the budget allows, this is something we would like to continue. Some advance notice is required, along with a worthy topic.

The Education/Licensing Department also takes thousands of calls. While most of their regular questions can

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July 2012



Protect Yourself from Scams

Craig Boyack
Chief Investigator

It seems like the crooks are getting more creative and bolder with each passing day. Their goal is to get your money, and they don't really care how they do it.

There are an increasing number of cash back scams invading the real estate industry. These usually involve a high value real estate transaction. The scammer poses as an eager buyer and wants to forward the earnest money to the brokerage. When the money arrives, it's for more than the agreed upon amount. The broker is asked to wire the overage back to the "buyer".

The "buyer" turns out to be a scammer, his funds are no good. The funds you wired back are good, and the trust account has just been robbed. There are many spins on this scam. Sometimes the "buyer" wants to move foreign money into the account to buy furniture with. There is always an excuse for the overage.

Sometimes, the scammer needs the broker to pay some sort of foreign tax or fee to move that much money. In this case, your credit card may be the real target.

There are some earmarks to cause suspicion. It almost always involves a dream transaction, the kind that makes a salesman's annual production in one closing. In other words, it's too good to be true. It almost always involves a demanding buyer who could walk away for the slightest reason. It almost always involves a very quick closing with little time to think.

The Commission wants you to close transactions. We like it when our licensees make money. That's the whole reason to go into real estate in the first place. We don't want to see you get robbed, nor have angry sellers on the other side of scam transactions.

There are some things you can do to protect yourself if you are suspicious:

1. Always independently verify telephone numbers and addresses. Don't trust the ones you are provided with. Use the internet to look up businesses and call those telephone numbers.
2. Never issue a check until you know the deposit has cleared your bank. If this causes a buyer some heartburn, they may just have to wait.
3. Never give your credit card data or any other personal information out to someone who contacts you.
4. Check out companies with the Secretary of State in the state they are supposed to be located in. Most states have a searchable website; Idaho does. If the company isn't registered, be suspicious.
5. You can't trust cashier's checks or money orders anymore. I've personally held a \$50 cashier's check that was washed and re-written for \$175,000. Even these have to clear the bank before issuing your own check. The Better Business Bureau told me about some Postal Money Orders that were computer counterfeits.
6. Don't trust your caller ID. Scammers have new hardware and software to circumvent your caller ID. They can even steal your telephone number and use it for a day. Your caller ID might not even indicate the correct state or country.
7. Periodically check out your properties on the internet. Scammers are stealing legitimate advertisements, including your photographs, and changing them to rental ads. They are trying to steal deposit money or a rent check from someone for a property they don't even own. While this isn't your fault, it's sure to reflect upon the reputation of your firm.

dered to pay a civil fine of \$3,000 and costs and attorney's fees of \$7561.88.

Redondo, Melody C., inactive salesperson. Stipulated to violation of Idaho Code 54-2061(1)(a) – felony conviction. Received a Formal Reprimand; her real estate license is revoked; and required to pay \$300 for costs and attorney's fees.

Redondo, Paul G., salesperson in Boise. Stipulated to violation of Idaho Code 54-2061(1)(a) - conviction of a misdemeanor involving fraud, misrepresentations, or dishonest or dishonorable dealings and 54-2061(3) - failure to report the conviction to the Commission within 20 days. Received a Formal Reprimand; his license is revoked; and required to pay \$300 for costs and attorney's fees.

Richards, Terry L., salesperson in Eagle. Signed transaction documents for his seller without written power of attorney. Signed the buyer's name instead of the seller's name. Once he was discovered he refused to complete the transaction and his broker stepped in to handle it. Stipulated to violation of Idaho Code 54-2051(4)(f) - failure to make certain all offers are in writing and contain appropriate signatures; 54-2060(11) - dishonest and dishonorable dealings; 54-2060(12) - gross negligence and reckless conduct; 54-2087(2) - failure to exercise reasonable skill and care; and 54-2087(4) - for failure to promote the best interest of the client. Received a Formal Reprimand; ordered to pay a \$3,000 civil fine and \$300 for costs and attorney's fees; and required to complete the following live courses: 1) Agency; 2) Real Estate Contracts for Today's Transactions; and 3) GRI-102.

Stevens, Jeffery D., salesperson in Boise. Listed multiple four-plex properties for one seller. These were short sale properties. He provided a lien holder counter offer from one property to the buyer of another. The confusion caused a long enough delay that the property went into foreclosure. Stipulated to violation of Idaho Code 54-2060(12) - gross negligence or reckless conduct; 54-2086(1)(b) - failure to perform ministerial acts with reasonable skill and care; and 54-2087(2) - failure to exercise reasonable skill in care in representing his seller client. Received a Formal Reprimand; ordered to pay a \$1,000 civil fine and \$300 for costs and attorney's fees; and required to successfully complete 8 hours of disciplinary education.

Thomas, Anthony D., unlicensed individual. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice and 54-2003(4) - attempting to use exceptions to licensure to evade the law. Ordered to pay a \$4,000 civil fine and \$300 for costs and attorney's fees.

Vancorp Enterprises, Inc., unlicensed firm. Bradley stipulated on behalf of Vancorp to violation of Idaho Code 54-2002 - unlicensed practice and 54-2003(4) - attempting to use ex-



Restrictions of Public Access to Licensee Information

Kim Coster
Commission's Counsel

The Commission keeps and maintains a wide variety of information about its real estate licensees. Much of this information - business address and contact information, license status, brokerage association - is available to the public and accessible online, through the Commission's website. <http://irec.idaho.gov/licensee-search.html>. However, just because the Commission is a "public agency" doesn't mean all of its licensee information is available to the general public.

The law restricts the public from accessing a licensee's personal information, such as home addresses, email addresses, phone numbers, and social security numbers. The law also protects information relating to a licensee's qualifications for licensure, including criminal history and education records. Similarly, the public does not have access to complaints filed with, or investigations undertaken by, the Commission. Although a licensee has the right to access information about himself or herself, the Commission generally will not release protected information without a court order.

This chart illustrates the types of Licensee information most commonly requested and the Commission's response.

COMMON REQUESTS FOR INFORMATION ABOUT REAL ESTATE LICENSEES

This chart illustrates IREC's response to the most common types of requests for information about real estate licensees. IREC's responses are made in accordance with the Idaho Public Records Act, Idaho Code §§ 9-337 thru 9-347, and the Commission's administrative rules. Information not available via Public Records Act may be provided by IREC pursuant to court order or subpoena.

Who May Obtain the Information?								
"Requestor" (Person Making Request)	Licensing (Status & history)	Continuing Education (posted classes & hours)	E&O Coverage	Consumer Complaints	Investigative records	Discipline (violations & fines) Stipulations Final Orders	Informal Reprimands	Personal address, phone and email
The Licensee	YES	YES	YES	YES – after investigation completed	Yes – after investigation completed	YES	YES	YES
Licensee's Broker	YES	YES	YES	NO	NO	YES	YES	NO
All Others (Other licensees, customers & clients, family)	YES	NO	NO	NO	NO	YES	YES	NO

ceptions to licensure to evade the law. Ordered to pay a \$4,000 civil fine.

Webb Jere F., salesperson in Boise. Sold his home through a short sale. Required his buyer to buy certain property on a side agreement that was undisclosed to his mortgage holder. Formal Hearing held October 11-13, 2011. Found to be in violation of Idaho Code 54-2060(11) - dishonorable dealings. Final Order issued 02/16/12 - Received a Formal Reprimand; ordered to pay a \$3,000 civil fine; and to reimburse the Commission for costs and attorney's fees TBD. Motion for Reconsideration filed by Staff. Motion for Reconsideration denied on 3/22/12. Order on Cost's & Attorney's Fees issued 4/19/12 - Respondent ordered to pay \$27,743.27 by 6/01/12.

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/or 54-2060(7) - misstatement in the application for renewal of a real estate license. Civil penalty as shown. First time violation unless indicated otherwise by multiple asterisks.

Ankney, Sandra M. "Sandi", salesperson in Lewiston - \$500
Beitz, Stephen Paul, inactive broker - \$750
Block, Ryan James, designated broker in Jackson, WY - \$500
Bogert Dornier, Heidi, designated broker in Boise - \$500
Dallas, Jamie Marie, salesperson in Post Falls - \$750
Delay, John Charles "Jack", associate broker in Jackson, WY - \$750
Elitharp, Karen L., salesperson in Eagle - \$300**
Fried, Richard Brenden, associate broker in Eagle - \$150
Galloway, Robert A. "Bob", inactive salesperson - \$150
Glasgow, Stephen Wayne "Steve", salesperson in Boise - \$500
Healy, Frank Albert "Chip", salesperson in Eagle - \$500
Hollingsworth, Bret, salesperson in Meridian - \$500
Hunt, Terri E., salesperson in McCall - \$500
Kash, Linda L., salesperson in Boise - \$500
Lewis, Kenneth M., designated broker in Spokane, WA - \$1,000
McClellan, Neal F., salesperson in Coeur d'Alene - \$1,000**
McClure, Rayburn "Ray", designated broker in Shoshone - \$750
Morrissey, Michael F., expired salesperson - \$150
Olind, Samuel C., inactive salesperson - formal reprimand, \$750 civil fine and

\$572.10 costs and attorney's fees. (Default Order)

Scaffide, Tony V., salesperson in Jackson, WY - \$500

Ward, Earl, salesperson in Twin Falls - \$150

Withner, Andrea M. "Andie", designated broker in West Yellowstone, MT - \$500

The following licensees stipulated to violation of Idaho Code 54-2013 and paid civil fine as indicated for failure to maintain Errors and Omissions insurance or failure to submit or cause to be submitted a certificate of coverage as required. First time violation unless indicated otherwise by asterisks.

Anderson, Nikki LeAnn, salesperson in Orofino - \$150

Badiola, Lori L., salesperson in Nampa - \$150

Baker, Daniel J., salesperson in Coeur d'Alene - formal reprimand; \$200** civil fine; \$300 costs & attorney's fees.

Barnes, Jennifer Lynn, salesperson in Boise - \$300**

Bassett, Bradley Dee "Brad", salesperson in Pocatello - \$150

Beitz, Stephen Paul, inactive broker - \$150
Beutler, Samuel Jay, salesperson in Nampa - \$150

Brown, Alan Patrick, associate broker in Moscow - \$300**

Buccola, Gene Douglas, salesperson in Boise - \$150

Butler, Michael A. "Mike", - salesperson in Boise - \$300**

Byrd Real Estate Group, LLC, limited liability company in Spokane, WA - \$150

Byrd, Douglas Jacob, designated broker in Spokane, WA - \$150

Calderon, Judy Irene, - salesperson in Meridian - \$150

Carr, Mary Margaret, inactive salesperson - \$150

Christensen, Natilie, salesperson in St. Maries - \$300**

CityBurb.com, terminated limited liability company - \$300

Clark, Joshua Daniel, salesperson in Nampa - \$150

Clay, Brenda S., inactive salesperson - \$600***

Cobb, Timothy Michael, designated broker in Spokane, WA - \$150

Corbett, Lisa Marie, inactive broker - \$150

Delong, William Sherwood, salesperson in Boise - \$150

Dillon, Lou Ella, designated broker in Sandpoint - \$150

Dunford, Joseph W., designated broker in Bloomington - \$300**

Envision Real Estate Group Inc., corporation in Spokane, WA - \$150

Finch, Kristen, salesperson in Moscow - \$150

Freehold Land Group, terminated limited liability company - \$150

Gailey, Janette, inactive broker - (by Default Order) - Formal Reprimand; \$200** civil penalty, \$615 costs and attorney's fees.

George, Carol Jane, associate broker in Twin Falls - \$300**

Hall, William Larkin, salesperson in Eagle - \$300**

Harris, Stacey Elizabeth, salesperson in Boise - \$600***

Hartman, John Andrew, designated broker in Boise - \$300**

Herbert, Brian Allan, salesperson in Boise - \$150

Hetland, Lanae, inactive salesperson - \$100

Hogan, Heidi Kristen, salesperson in Hailey - \$150

Hunt, Heidi Louise, inactive salesperson - \$150

Inland Northwest Realty, Inc., corporation in Sandpoint - \$150

Irish, Jeffrey Rex, designated broker in Meridian - \$150

Jarvis, Jennifer Lee "Jeni", associate broker in Salmon - \$300**

Johnson, Carmen, salesperson in Meridian - \$150

Jones, Ross Lawrence, salesperson in Oreana - \$1200****

Kegley, Rodney L., inactive salesperson - \$600***

Keim, Steven R., designated broker in Idaho Falls - \$150

Kelsey, Larry M., designated broker in Blackfoot - \$150

Kelsey, Margaret A., salesperson in Blackfoot - \$150

Kesling, Laurissa R., salesperson in Coeur d'Alene - \$150

La Peter II, Alfred Raymond "Alfie", inactive broker in Eagle - \$600***

Lamken, Phyllis Angela, designated broker in Victor - \$300**

LIHTC Advisors, LLC, limited liability company in Meridian - \$150

Long, Michael, salesperson in Coeur d'Alene - \$150

Martin, Ronald R., salesperson in Pocatello - \$150

Mathers, Robert Bruce "Bob", salesperson in Coeur d'Alene - \$150

McHone, Michael M., salesperson in Orofino - \$150

McNeil, Ana Christina, salesperson in Boise - \$300**

Millar, Larry Robert, salesperson in Sandpoint - \$150

Miskin, Vaun Robert "Bob", salesperson in Garden City, UT - \$300**

Moffat, Judith Ann "Ann", salesperson in Eagle - \$300**

NAI Commerce One, limited liability company in Idaho Falls - \$600***

Nielsen, Daniel Anthony, salesperson in Driggs - \$300**

Ocepek, Patricia Haney, designated broker in Boise - \$150

Palm, Diana L. "Dee", inactive salesperson - \$150
Park Pointe Commercial Real Estate Services, terminated corporation - \$150
Payne, Cam Joel, salesperson in St. Anthony - \$300**
Prather, James A., designated broker in Boise - \$600
River Valley Real Estate, Inc., corporation in Blackfoot - \$150
Robb, Rachael M., salesperson in Kellogg - \$150
Robinson, Becky K., salesperson in Whitebird - \$600***
Romero, Ruth M., salesperson in Boise - \$150
Rosera, Julie, inactive salesperson - \$150
Rousseau, Mary Christine "Chrissy", salesperson in Boise - \$150
Shaw, Robert Andrew, salesperson in Nampa - \$150
Shields, Gail Marie, salesperson in Eagle - \$150
Shoshone Ranch Realty, LLC, limited liability company in Shoshone - \$150
Siebke, Linda K. "Lini", – salesperson in Meridian - \$150
Simonsen, Rachael, salesperson in Weiser - \$150
Spears, Kimberly D., inactive broker - \$200***
Stanford, Michele Elizabeth, salesperson in Meridian - \$150
Stevens, Kelley Denise, inactive salesperson - \$150
Stoneberg, Jesse, inactive salesperson - \$300**
Stranger, Brian C., designated broker in Coeur d'Alene - \$600***
Whitworth, Morgan V., designated broker in Arimo - \$150

Williams, Janice West, salesperson in Logan, Utah - \$300**

Licensees who stipulated to violation of Idaho Code 54-2002, 54-2018 and 54-2060(10) - continuing to practice as a licensee after license expired or was inactivated. Designated brokers - \$20 per day. All others \$10 per day.

Clausen, Jenny Diane, salesperson in Boise - \$40
Cracchiola, Michelle "Shelli", salesperson in Boise - \$80
D'Andrea, Leslie A., salesperson in Boise - \$160
DeFabry Jr., Darrell Arthur, salesperson in Boise - \$150
Esparza, Michael Lee, salesperson in Twin Falls - \$60
George, Andrew M., salesperson in Boise - \$100
Gunther, Richard, salesperson in Coeur d'Alene - \$300
Haber, Joseph M., salesperson in Pocatello - \$810
Heim, Paul Matthew, salesperson in Meridian - \$10
Hilbig, Craig Stephen, salesperson in Meridian - \$180
Jardine, John Carl, salesperson in Twin Falls - \$130
Loveland, Glen J., salesperson in Burley - \$620
Maricich, A. Nicholas "Nick", salesperson in Ketchum - \$120
Middleton, William C. "Bill", designated broker in Boise - \$240
Reed, Leslee Sue, salesperson in Twin Falls - \$60

Rubin, Mitchell Allen, designated broker in Boise - \$100
Saithavy, Yo, salesperson in Boise - \$210
Small, Sean Patrick, salesperson in Ketchum - \$200
Stimpson, Sean Veral, salesperson in Meridian - \$70
Thomas, Brandon J., salesperson in Caldwell - \$80
Thompson, Christian Neils, salesperson in Sandpoint - \$270
Warr, Michael Mat, salesperson in Meridian - \$150
Wild, Barbara Mary, salesperson in Jackson, WY - \$1,120
Wilson, Andrea Jo, designated broker in Logan, UT - \$20

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

Lopez, Alicia, designated broker with O2 Marketing Group in Boise - \$25
McFarland, Donald, designated broker with Re/Max West in Boise - \$100
Merrigan, John Patrick, designated broker with River Bridge Realty in Burley - \$75
Stanley, Jr., Russell, designated broker with Le Bois Realty in Garden City - \$75
Steward, Shaun M., designated broker with Steward Properties, LLC in Caldwell. \$25
Stewart, Jeffrey, designated broker with Stewart Realty in Meridian - \$25
Turner, Teena, designated broker with Evans Realty in Emmett - \$75
Wixom, Donald, designated broker with Re/Max Advantage in Nampa - \$100

The Compliance Department (Continued from page 6)

be answered by visiting the website, we provide real people you can talk to. Sometimes an issue just falls outside the scope of a website.

The Commission provides a Core class every year. We go to great pains to provide cutting edge information in this class, along with timely reminders

of the basics. While you are required to complete a Core class every other year, you are allowed to take it every year. If you took the 2010 Core and the 2011 Core, one would count as Core and one as elective credit.

The point is we have undertaken a tremendous effort to reach out to our

licensees. Whether it is traditional published media, social and electronic media, speakers, classes, or our mini "call center", this is not your father's real estate commission. Take a look at our website, sign up for one of the various social media or a news letter. We think you'll be pleasantly surprised.



Protect Yourself from Scams (Continued from page 7)

8. Your best weapon is your own brain. If something sounds too good to be true, it probably is.

Scammers are out there; it's a fact of life today. The Idaho Real Estate Commission does not have jurisdic-

tion over these scammers. We have jurisdiction over our licensees, and losing money from your trust account is a serious matter. Protect yourself and your brokerage by being aware of these scams.



~In memory of~
Robert Gail Heist
 1939 - 2011



The Staff of the Idaho Real Estate Commission extends its deepest sympathies to the family of Robert Gail Heist, a dear friend and colleague. Gail passed away on December 25, 2011 while in the company of his family. He was an avid supporter of BSU athletics, collector of roadsters, and a passionate teacher. He obtained his MBA from Boise State University in 1972. His contributions while serving on the Education Council from July 2001 - July 2009 will not be forgotten.

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

*Thomas K. Longstreet, Nampa
 Galen S. Bush, Idaho Falls*

Why do You Need Errors & Omissions Insurance? (Continued from page 4)

documents included disclaimers, which provided that the advertised square footage was approximate, the buyer should verify all statements, and the property was sold as-is. The buyer sued the seller, the listing agent, and the agent's real estate firm, alleging negligent misrepresentation.

RESULT

The carrier retained an attorney to represent the insured agent and her real estate firm. The case settled at mediation, with the seller paying the majority of the settlement amount. However, the carrier incurred significant defense costs and paid several thousand dollars toward the settlement after the insured agent satisfied her deductible.

SUGGESTED APPROACH

As with most claims, this matter was re-

solved prior to trial. Although the documents included general disclaimers, the agent's case would have been strengthened by additional, more specific, disclaimers advising potential purchasers that the agent had not investigated legal approval of the garage apartment and recommending potential purchasers do so. However, additional precautions may not have prevented the claim. It is important to maintain E&O coverage to protect against covered claims involving errors in listings, because costs of defense are usually significant even if there are arguments against liability.

This information is for illustrative purposes only and is not a contract. Nothing in this material should be construed as legal advice or advice regarding the applicable standard of care. It is intended to provide a general over-

view of certain products and services, and does not amend any E&O policy in any way. Insurance policy forms speak for themselves, and all rights are specifically reserved with respect to the policies, anything contained herein notwithstanding. Only the policy can provide actual terms, coverages, amounts, conditions, and exclusions. The E&O program described herein is only available in certain states, and the information contained herein may not apply to your geographic area. Each coverage situation is evaluated on its own merits. In the event of a claim, the nature and extent of coverage is determined based on the claim's facts, circumstances, and allegations and application of the relevant policy's terms, conditions, and exclusions.



IDAHO

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