

The Real Estatement

Comments From the Commission Chair



By Kelly Fisher

Old & Out of Shape

Whenever I go hiking the trails in eastern Idaho, I seem to feel a sense of dizziness. My kind, loving and always brutally honest wife of nearly 40 years tells me it is because I am old and out of shape. After many trail excursions with my head spinning in circles, I was about to accept her explanation and utter those dreaded words, "Honey, you're right," and give in to the fact that I am old and out of shape, when Dr. Souman came to my rescue. You see, Dr. Jan Souman, a German Psychologist with the Max Planck Institute of Biological Cybernetics, tracked the movements of volunteers sent into the wilds of a German forest and the desert sands of Tunisia. He studied what happens when a person has no map, no compass, and no way to determine landmarks, with no sun or North Star as references. The research showed that without these landmarks and other tools in determining direction, we actually walk in circles. Hey, it turns out we WALK IN CIRCLES. Therein lies my answer! I am not old and out of shape! In Dr. Souman's own words, "I walk in circles" and hence my dizziness.

Wanting to quickly rescind my remark about my wife being right, I hastened to find her and explain my recent revelation. But alas, upon listening she unbelievably said, "I don't buy it; you're old and out of shape, just deal with it." It is what it is.

Dr. Souman's instructions were simple: walk in a straight line in the direction indicated. He later described what happened. Some walked on a cloudy day, with the sun hidden behind the clouds, with no reference points in view. They all walked in circles, with several of them repeatedly crossing their own path without noticing it. Other participants walked while the sun was shining, with faraway reference points in view. These followed an almost perfectly straight course. Without visible landmarks, human beings tend to walk in circles, become lost and lose their sense of direction. In our changing culture where right and wrong have been blurred and tolerance and independence have created so many paths, it's often hard to recognize the best path for one's life.

As real estate licensees, we have an obligation and duty to focus on professional and ethical landmarks. The National Association of REALTORS® has the Code of Ethics and the Pathways to Professionalism which members agree to abide by. Whether you belong to NAR® or another club or organization that promotes good will, ethical practice and

honesty, we must treat all people with respect, kindness and professional conduct.

A FAREWELL TRIBUTE

I am finishing up my second 4-year term and will be going off the commission in July. At the time of writing this article, I do not know who my replacement will be. Whoever it is, I wish him or her the same rewarding experience that I have had. It has truly been a remarkable journey for me. I have cherished my time with all the commissioners I had the privilege of working with. Appreciation goes to: Steve Kohntopp, Pam Trees and Andy Enrico (former commissioners) along with Marvis Brice, Kathy Weber and Mike Gamblin (current commissioners).

I will be forever in your debt for the lessons you have taught me and the friendship you have shown me.

To Kim Coster, legal counsel to the commissioners: Your knowledge of the real estate license law is incredible and the wise counsel you provided was always held in high regard.

Gratitude to the Education Council: Donna Capurso, Mike Johnston, Beckie Kukal and Georgia Meacham. Thank you for all your time and effort in bringing quality education to our licensees.

A humongous thank you to the entire staff of the Idaho Real Estate Commission: Jeanne Jackson-Heim, Tammy Anderson, William Robinson, Tammy Collier, MiChell Bird, Melissa Ferguson, Jesama Rosensweig, Katie Thiede, Craig Boyack, Don Morse, Megan Owens, Gayle Brixey, and Stephanie McLarin. Your dedication to your jobs is inspiring and totally awesome.

And last but not least, I would like to tell all the licensees around the great state of Idaho that the support and encouragement you have shown me these past 8 years has been humbling and sincerely appreciated.

INSIDE THIS ISSUE

Regulatory Trends	3
Reflections on Education.....	4
Licensee Statistics	4
Continuing Education Requirements Have Changed! .	5
Disciplinary Actions	6
Virtual Currency.....	6
Audit Honor Roll	7

COMMISSIONERS

Kelly Fisher, Chair

The Network Real Estate Group, LLC, Pocatello
Email: kellyfisher53@gmail.com
Work: (208) 237-2000

Kathy Weber, Vice Chair

Re/Max Connections, Moscow
Email: kathyw@remax.net
Work: (208) 883-9700

Marvis Brice, Member

Advantage 1 Realty, Burley
Email: brice@qwestoffice.net
Work: (208) 677-4663

Mike Gamblin, Member

Mike Gamblin Real Estate, Inc., Boise
Email: mike@mikegamblin.com
Work: (208) 378-9100

EDUCATION COUNCIL

Donna Capurso, Chair

Selkirk Mountain Real Estate, LLC, Bonners Ferry
Email: donna@selkirkmountainrealestate.com
Work: (208) 267-7900

Michael James Johnston, Vice Chair

The Home Specialists, Pocatello
Email: mike@mikejohnston.com
Work: (208) 234-0900

Beckie Kukal, Member

NorthPointe Realty, LLC, Jerome
Email: kukal@northpointerealty.com
Work: (208) 324-7653

Georgia Meacham, Member

Front Street Brokers, LLC, Boise
Email: georgia@georgiameacham.com
Work: (208) 740-5000

IDAHO REAL ESTATE COMMISSION STAFF

Office Phone: (208) 334-3285

Administration

- Jeanne Jackson-Heim** - jeanne.jackson-heim@irec.idaho.gov (Executive Director)ext. 118
- Tammy Anderson** - tammy.anderson@irec.idaho.gov (Administrative Assistant I).....ext. 101
- William Robinson** - william.robinson@irec.idaho.gov (Information Systems Technician).ext. 107
- Tammy Collier** - tammy.collier@irec.idaho.gov (Management Assistant)ext. 103

Education & Licensing Department

- Michelle Bird** - michell.bird@irec.idaho.gov (Education & Licensing Director)ext. 105
- Melissa Ferguson** - melissa.ferguson@irec.idaho.gov (Training Specialist)ext. 116
- Jesama Rosensweig** - jesama.rosensweig@irec.idaho.gov (Technical Records Specialist II)..ext. 106
- Katie Thiede** - katie.thiede@irec.idaho.gov (Technical Records Specialist I)ext. 109

Enforcement Department

- Craig Boyack** - craig.boyack@irec.idaho.gov (Chief Investigator).....ext. 114
- Don Morse** - don.morse@irec.idaho.gov (Investigator)ext. 111
- Megan Owens** - megan.owens@irec.idaho.gov (Investigator)ext. 113
- Gayle Brixey** - gayle.brixey@irec.idaho.gov (Inspector).....ext. 112
- Stephanie McLarin** - stephanie.mclarin@irec.idaho.gov (Administrative Assistant II)ext. 108

Commissioner Attorney

Kim Coster





Regulatory Trends

By **Jeanne Jackson-Heim**
Executive Director

My position as 2014 President of ARELLO has provided me with a lot of interesting information about regulatory trends around the world. Here is some of the latest news:

-- Many states are moving to “**single licensure**”, where all licensees take a higher number of prelicense hours and go immediately to broker status. There must still be a principal or managing broker to run each office, similar to our designated broker, and brokers must be affiliated with a principal or managing broker.

-- Almost without exception, every jurisdiction reports **property management** as the practice area where there are increased problems and disciplinary actions. As you know, Idaho does not regulate leasing or property management, and we are almost unique in that regard. Our property management study group has been on hiatus during the legislative session but plans to meet again soon to continue discussions on this important issue.

-- **Advertising violations** are prevalent in most parts of the U.S. and Canada. Virtually all jurisdictions require the broker’s licensed business name to be included in advertisements, and many licensees are failing to include this information but are promoting team or franchise names instead. Further complicating this issue is the trend toward syndication of listing data. Internet data aggregators often do not realize their business models can put licensees at risk of violating their jurisdiction’s license laws, and some jurisdictions hold their licensees accountable for what gets published on a third-party site. ARELLO is inviting representatives of some of the national franchises, as well as the major listing aggregators, to attend its annual meeting in September so we can discuss some of these regulatory concerns and hopefully gain cooperation to help our licensees stay in compliance with their respective requirements.

-- “**Coming soon**” issues are also coming to the forefront. Zillow has recently announced plans to add a “coming soon” feature where licensees can upload listings up to 30 days before going on the MLS. The Commission has received multiple phone calls and e-mails about the increasingly common “coming soon” signs that have been springing up in many locations. In addition to ensuring there are signed agreements in place, licensees who advertise listings as “coming soon” may want to check with their broker or MLS to ensure all MLS rules are being followed. While it is beyond the authority of the Commission to enforce or interpret MLS requirements, license law violations may be found for those who misrepresent the listing status of the property.

-- Finally, many U.S. jurisdictions report they need a better **licensing management system**, and here in Idaho we are no exception. The Commission has been fortunate to have a proprietary system written for us by a local programmer several years ago. The internal database and online interface have served us well over the past years, but technology has moved forward and now we must look to the future. The Commission is in the process of identifying a company to write a new online application for our website which will run on newer phones and tablets. We know the current system can be frustrating because it requires Adobe Flash, and that platform is now only supported on desk top computers. Please know we are aware of the issues and are actively working to make our website more user friendly. Stay tuned for developments!

As a reminder, the license law requires all licensees who have a written compensation or representation agreement to be available to receive offers to purchase. The Commission is aware that some MLS systems might contain a check box in the listing that says cooperating licensees should “Present offers directly to seller.” This is not okay when the listing involves Idaho property, although it may be allowed in other states. We have received complaints about this practice, and the Commission wants to take this opportunity to remind our Idaho licensees of their agency duties under Idaho Code 54-2086 (customers) and 54-2087 (clients).

Thank you!

A HUGE thank you from the Commission to the following who generously donated their time and facilities for the post license instructor certification training:

Coeur d’Alene Association of REALTORS®
Mike Gamblin, Idaho Real Estate School
Michael J. Johnston, The Home Specialists
Chris Mooney, our fearless Pilot Instructor
par excellence

We are so grateful for your assistance and tireless dedication to helping us launch our new post license curriculum!!



Reflections on Education

By Donna Capurso
Council Chair

Money is not the answer
To make a dream come true
It's knowledge, experience and ability
That will carry you on through

Being a real estate salesperson
Or a broker is the best
But finding the right home or land
For folks can really be a test

The more you can learn and know
And then with others share
Will show your customers and clients
Just how much you really care

The Education Council is here to serve
And works hard to provide to you
The best instruction and courses
Live and on-line for you to view

There are laws and contracts, rules and regs
Just to name a few
There is agency, CMA's and ethics
That Continuing Ed will help you through

CORE every year has been our goal,
And post licensure for those brand new,
With legislation, court cases & hot topics
To help you know just what to do

Your IREC staff is outstanding and
Its been my pleasure with them to work
Their expertise and helpfulness
Is beyond compare or worth

The past eight years on the Council
Have meant a great deal to me
To be a part of something special
And making a difference is the key

It has been my honor and pleasure
To represent the north part of our state
Education is the answer
To enhance your destiny and your fate

It's time for me to pass the gavel
And move on to other things,
I hope to see you at the conventions
And the classes an expo brings

May your real estate business blossom
And forever grow
And that you'll strive to be the best agent
That a client will ever know



**Remember Group E&O
insurance policy offered to
Idaho Licensees through Rice
Insurance Services CO., LLC
will expire SOON!**



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



Licensee Statistics

As of June 26, 2014

Active Licensees..... 7339

Inactive Licensees..... 2417

Total Licensees..... 9756



Continuing Education Requirements Have Changed!!

By MiChell Bird
Education & Licensing Director

The new CE requirement for renewal or activation is 12 elective credits plus two (2) different Commission Core courses. Licensees will be required to take Core every year. Each Core course will be available for two years, but we recommend every licensee take Core 2013 before it expires on June 30, 2015. The elective credits required have been reduced from 16 to 12 per renewal period which means the total number of required hours has not changed.

A salesperson renewing for the first time or activating for the first time after having renewed on inactive status will have different requirements than salespersons that have previously renewed on active status. These licensees must complete two (2) different Core courses plus 12 hours of prescribed **post license** credit instead of general elective credit. The post license curriculum has been developed by the Commission using scenarios reflective of typical transactions. New licensees are required to take a mandatory 8-hour Post License Fundamentals course plus their choice of one 4-hour post license module. At this time these approved post license modules include: Introduction to Commercial Real Estate; Professionalism, Negotiations and Closings; and Pricing, Marketing and Advertising.

Currently, the post license courses are only available in a live format. The Commission intends to have them available online by January 2015. You can locate all certified

courses including the post license course offerings, at irec.idaho.gov under the "Public Database Search" option.

The Commission is aware that change can be hard and is committed to making this transition less difficult for the licensees. An implementation plan has been adopted by the Commission for licensees that must renew in the next few months. This plan is intended to help decrease any additional burden to the licensees. A licensee due to renew in the next few months may be able to renew their license under the old education requirements.

In addition, through March 2016, staff will review each renewal notice sent to licensees and will make individual notations as to what CE, if any, must be completed to renew in compliance under the new provisions of the law. This will give all existing licensees actual notice of their specific CE requirements and allow them 75 to 90 days to make up any missing CE prior to the expiration of the renewal period.

Please call the Commission! We are happy to review your individual education history and advise you on what education you will need for active renewal.



Check out IREC's latest training video, "**Rules of the Road: License Safety**". This video was developed for use in the new Post License Fundamentals course but is also available for training or personal viewing. The YouTube link can be found on IREC's website at irec.idaho.gov

Thank You!

The Commission would like to thank the members of the post license curriculum workgroup for assisting in the development of the post license courses.

Carolyn Sinnard
Carrie Farmer
Chris Mooney
Chuck Byers
Georgia Meacham
Jeni Hall

Jill Stone
LaDawn Anderst
Mike Gamblin
Nancy Glaesemann
Shirley Koch
Tracy Thompson

It was a HUGE task and we couldn't have done it without the contributions of everyone!



Virtual Currency

By Craig Boyack
Chief Investigator

Virtual currency is an internet form of money, and it's gaining a foothold in our society. They come with names like Peercoin, Litecoin, and the big player, Bitcoin. Virtual currency has been called everything from the next evolution in commerce to the newest Ponzi scheme. The fact is there are risks to using virtual currencies.

These currencies do not exist physically. They are not backed by any government, and are not insured by the FDIC or any other entity. There have been many hacking type thefts, and one large provider has gone bankrupt.

Virtual currencies are extremely volatile. Five hundred "coins" might be worth \$500 on the day they are acquired. They may be worth \$5000 or *nothing* a week later.

From a real estate standpoint, they would certainly qualify as goodwill. This means they can be used as consideration in a contract. The Internal Revenue Service recently decided they are personal property. Personal property can also be

used as consideration on a contract. While virtual currencies do not qualify as earnest money, they may be used as another form of consideration.

The license law does not allow for any kind of account that would qualify as a broker's trust account for virtual currencies. This means brokers cannot handle virtual currencies for their clientele. When using an attorney or escrow holder, brokers must address the possibility of a change in value. What happens when the "coins" drop in value prior to closing, what if they increase in value? All terms and conditions must be included in the Purchase and Sale Agreement.

Consumers are allowed to make bad decisions. It's the licensee's job to make sure they make an informed decision. Virtual currencies come with genuine risk. It is the licensee's responsibility to discuss these risks with the consumers. Prudent licensees will put the discussions in writing.

Don't put your consumer in the position of arguing who gets the increase in value when the "coins" go up. Put it in writing before this happens. Don't be the licensee who allowed a client to sell her house for 300,000 virtual coins, only to learn they're worth \$500 after the property closes.

The Idaho Real Estate Commission does not recommend the use of virtual currency in any real estate transaction. We recognize only that it may be possible to use "coins" in a transaction.



Disciplinary Actions

Formal Actions taken November 1, 2013 through April 30, 2014

Aresco, Barbara Jane, salesperson in Meridian. Advertised that she would pay a finder's fee to anyone who brought her a successful buyer or seller. Stipulated to violation of Idaho Code 54-2054(3) - offering finders' fees. Received a Formal Reprimand; ordered to pay a \$1,000 civil fine and \$450 for costs and attorney's fees.

Bass, Robert R., designated broker in Boise. Failed to balance his trust account for several months. His brokerage was audited and he paid a citation. Upon further investigation, it was determined that Bass failed to supervise his licensee, Groves, and several unlicensed people in his office. Stipulated to violation of Idaho Code 54-2038(1) (a) - failure to supervise. Received a Formal Reprimand; ordered to pay a \$1,500 civil fine and \$300 for costs and attorney's fees; required to complete a Business Conduct and Office Operations class within 6 months.

Beitler Commercial Realty Services, unlicensed firm. Company listed 6 Idaho AmeriTitle properties for sale, and sold one of them in McCall. Stipulated to violation of Idaho Code 54-2002 for unlicensed practice. Ordered to pay a \$3,500 civil fine and \$450 for costs and attorney's fees.

Benoit, Andrew G. "Andy", salesperson in Meridian. Involved in a short sale transaction. He failed to timely remit transaction documents to his broker until immediately prior to closing; manipulated MLS data to create the illusion of one transaction between a buyer and seller, when there were in fact two transactions involving a flip of the property. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising, based upon his manipulation of the MLS data, and 54-2060(3) - failure to remit transaction documents to his broker. Received a Formal Reprimand; ordered to pay a \$500 civil fine; he must reimburse the Commission \$300 for costs and attorney's fees; required to complete a Business Conduct and Office Operations class within one year.

Benoit, David L., associate broker in Meridian. Involved in several short sale transactions, whereby he flipped the property for a profit. During these transactions, he handled earnest monies contrary to the written instructions in the purchase and sale agreement, misrepresented the number and value of offers to competing buyers, and misrepresented several facts to the lien holders. Stipulated to violation of Idaho Code 54-2041(1) - failure to deposit his own earnest money according to the terms of the contract; 54-2051(4) - failure to include four specific required elements in a purchase and sale agreement; 54-2060(2) - engaging in a continued or flagrant course of misrepresentation; 54-2060(3) - failure to account for real or personal property; 54-2060(11) - dishonest or dishonorable dealing; 54-2085(4) - failure to include the representation confirmation statement in a purchase and sale agreement; and 54-2086(1)(b) - failure to perform with honesty, good faith, and reasonable skill and care. Received a Formal Reprimand; ordered to pay a \$5,000 civil fine and \$300 for costs and attorney's fees; required to successful-

Disciplinary Actions continued on page 7

Audit Honor Roll December 2013 – April 2014

Christian E. Hansen, DB11682
House Of Brokers Inc. DBA: House
Of Brokers Home Team

Gregery “Greg” Davis, DB25456
Genesis Real Estate Group, LLC

Barbara Ann Stevens, DB26340
Stevens Realty, LLC

Jeffrey Alan Stewart, DB28493
Stewart Realty, LLC

Robert Dale Jones, DB4185
Boise Real Estate Company, Inc.

Larry J. Coelho, DB22074
Smith & Coelho

Cynthia “Cindy” Woyak, LC37844
Silvercreek Realty Group, LLC

Tami Jo McHugh, DB25327
Heritage Real Estate, LLC

Thomas M. “Tom” Koltes, DB23273
The TNT Group, LLC

Barry Levi Brackett, DB20647
Canyon Trail Realty, LLC

Walter L. Hess, DB3473
Gem State Realty Inc.

Carla Shockey, DB17471
Advantage 1 Realty, LLC DBA:
Advantage 1 Realty

Sheryl Koyle, DB6592, Rocky
Mountain Real Estate Brokerage

Beckie R. Kukal, DB15231
NorthPointe Realty, LLC

Clayton “Clay” Nannini, DB24484
Westerra Group Inc. DBA: Westerra
Real Estate Group

Werner Rosenbaum Jr., DB6843
Re/Max Country Real Estate Inc.

Wendy Rebecca Price, DB20808
Price Right Real Estate, LLC DBA:
Century 21 Price Right

Marilou Aubertin, DB16647
Windermere/All Star Realty, LLC
DBA: Windermere Real Estate/All
Star Realty



ly complete a Real Estate Law class within one year. His license is suspended for one year. This suspension is withheld, for a period of three years, provided he complies with all terms of the Final Order, and violates no other license law within this time frame.

Bishop, Alysa M., salesperson in Boise. Undertook an advertising campaign where she promoted Lysi Bishop Real Estate, and failed to name the brokerage that she is licensed with, Keller Williams Realty Boise. Stipulated to violation of 54-2053(4) - misleading advertising, and 54-2053(2) - failure to include the brokerage name on advertising of listed property. Received a Formal Reprimand; ordered to pay a \$1,000 civil fine, and \$300 for costs and attorney's fees. Also required to successfully complete a Business Conduct and Office Operations class within 6 months.

Blomquist, Eben J. and Advent Property Advisors (both unlicensed in Idaho). Utah licensee with a Utah brokerage. Blomquist prepared an offer and sought a fee for a property in receivership. Issued a Cease & Desist Order 11/21/13, ordering him and the brokerage to cease all unlicensed practice.

Burris, Kendall, unlicensed individual. Burris advertised herself as the agent for a Nampa property. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice.

Disciplinary actions continued from page 6
tice. Ordered to pay a \$1,000 civil fine, and \$300 for costs and attorney's fees.

Callison, Austin, salesperson in Boise. Had an undocumented arrangement with Hayden Outdoors to market his listings. He advertised listings under Hayden Outdoors, when he was licensed with another brokerage. Stipulated to violation of Idaho Code 54-2053(2) - failure to include the name of his brokerage on the advertisement of listed property, and 54-2053(4) - misleading advertising. Received a Formal Reprimand; ordered to pay a \$1,000 civil fine and \$300 for costs and attorney's fees; must successfully complete a Business Conduct and Office Operations class within 6 months.

Caporale, Steven Albert, associate broker in Eagle. Placed several photographs on his website to represent his agents. These were all photographs that had copyrights, and were not images of his licensees. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising. Received a Formal Reprimand; ordered to pay a \$1,500 civil fine and \$300 for costs and attorney's fees; must complete a Commission Core 2013 class within 6 months.

Collins, Mark, unlicensed individual. Obtained a listing on a property in Nampa, and advertised it for sale. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice. Ordered to pay a \$3,500 civil fine, and \$300 for costs and attorney's fees.

Disciplinary Actions continued on page 8

Conner, Reata J., designated broker in Boise. Approximately one year after changing her name to Conner, she was still advertising under her former name. Five licensees at her brokerage failed to advertise the correct brokerage name in various media. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising, and 54-2038(1)(a) - failing to supervise and control all office locations, and the activities of all licensees and unlicensed persons associated with her brokerage. Received a Formal Reprimand; must pay a \$500 civil fine; and \$300 for costs and attorney's fees.

Dopp, Barbara Jean, salesperson in Boise. Misrepresented the name of the brokerage she is licensed with in her advertising. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertisements, 54-2053(2) - failure to include the brokerage name in the advertisement of listed property, and 54-2050(1)(a) & (c) - preparing a representation agreement that lacked specific required information. Received a Formal Reprimand; ordered to pay a \$1,000 civil fine and \$300 for costs and attorney's fees; must successfully complete a Business Conduct and Office Operations class within 6 months.

Franz, Randall A., designated broker in Sandpoint. Hired Julie Breuer and filled out a “member profile” for her. It was uploaded to the internet, advertising her as an Idaho licensee, even though she did not have an

Idaho license. Stipulated to violation of Idaho Code 54-2038(1)(a) - failure to supervise his licensed and unlicensed staff. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Gallegos, Carol Jean, designated broker in Sagle, and **Gallegos & Associates, Inc.**, an unlicensed firm. Gallegos and her firm listed and promoted a property for sale, prior to obtaining her Idaho real estate license. She and her firm stipulated to violation of Idaho Code 54-2002, as defined by Idaho Code 54-2004(35)(a), (c), and (d), and Idaho Code 54-2004(2) - unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license. Ordered to pay a \$3,500 civil fine and \$450 for costs and attorney's fees.

Goffstein, Fred (inactive broker) and **Wyoming Mountain Properties** (terminated corporation). Goffstein and Wyoming Mountain Properties continued to market the Halfway House Ranch, after he stopped being an Idaho licensee. Issued a Cease & Desist Order on 11/21/13 ordering him and the corporation to cease all unlicensed practice.

Groves, Richard Craig, associate broker in Boise. Mistakenly transferred funds from the trust account to cover referral fees. This happened several times, and he transferred monies back from the operating account to cover the error. This wasn't done correctly, and the trust account went unbalanced for several months. Stipulated to violation of Idaho Code 54-2060(12) - reckless conduct. Received a Formal Reprimand; ordered to pay a \$1,500 civil fine and \$300 for costs and attorney's fees; required to complete a Business Conduct and Office Operations class within 6 months.

Hatcher, Smiley C., salesperson in Clarkston, Washington. Was short the Commission Core course for his renewal. Given opportunity to sign simple form stipulation, but did not. Stipulated to violation of Idaho Code 54-2023(1)(a) - required number of classroom hours is as follows: a licensee renewing on active status must successfully complete a Commission Core course, plus sixteen (16) classroom hours of continuing education, on or before the current license expiration date; and 54-2060(7) - employment of misrepresentation or misstatement in applying for or securing a license to act as a real estate broker or salesperson in the state of Idaho. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$550 for costs and attorney's fees.

Disciplinary actions continued from page 7

Hayden, Dax designated broker in Windsor, Colorado. Hayden and Callison verbally co-listed several properties for sale. There was no paperwork to allow for a co-listing agreement. Callison wound up advertising himself as an agent for Hayden Outdoors, but he is licensed at Keller Williams Realty Boise. Stipulated to violation of 54-2040(5) - for lending his broker's license to Callison, and 54-2053(4) - misleading advertising. Received Formal Reprimand; ordered to pay a \$1,000 civil fine and \$450 for costs and attorney's fees; required to successfully complete a Business Conduct and Office Operations class within 6 months.

Howell, Shaun E., salesperson in Meridian. Listed his parents' property for sale at one brokerage. When he changed brokerages, he did not cancel the old listing, or procure a new listing at the new brokerage. Stipulated to violation of Idaho Code 54-2050 - failure to obtain a written seller's representation agreement; 54-2051(4) - failure to include four required elements in a purchase and sale agreement; 54-2085(4) - failure to include the representation confirmation statement in a purchase and sale agreement; and 54-2086(1)(b) - failure to fulfill customer duties by lying to prospective buyers about having received multiple offers at higher price points. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees; required to complete a Business Conduct and Office Operations class within one year.

Jordan, Damion L., salesperson in Boise. Was short the Commission Core course for his renewal. Given opportunity to sign simple form stipulation, but did not. Stipulated to violation of Idaho Code 54-2023(1)(a) - required number of classroom hours is as follows: a licensee renewing on active status must successfully complete a Commission Core course, plus sixteen (16) classroom hours of continuing education, on or before the current license expiration date; and 54-2060(7) - employment of misrepresentation or misstatement in applying for or securing a license to act as a real estate broker or salesperson in the state of Idaho. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$675 for costs and attorney's fees.

Kolsen, Brenda L., associate broker in Caldwell. Trust account for Core Group Realty was out of balance, and Kolsen was the designated broker for a portion of that time. Stipulated to violation of Idaho Code 54-2044 - failing to balance and reconcile monthly; 54-2060(3) - failure to account for entrusted funds; 54-2045(1) - late deposits; 54-2044(4)(b) - failure to include the names of both parties on ledger cards;

54-2048(3)(d) - failure to mark and date rejected offers; and 54-2049(5) - failure to retain trust account reconciliation records. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees; she must successfully complete a Business Conduct and Office Operations class.

Madsen, Patrick Andrew, salesperson in Meridian. Owns At Home Security. He advertised on his Facebook page that At Home Security could provide real estate services. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising. Received a Formal Reprimand; ordered to pay a \$500 civil fine, and \$300 for costs and attorney's fees.

Martin, Georgia C., salesperson in Garden City. Convinced a client at one brokerage to cancel a listing, then relisted the property under a different brokerage. She was not licensed with the second brokerage, and when she moved her license, the second designated broker refused the listing. Stipulated to violation of Idaho Code 54-2054(4) - interfering with the first broker's contract with the client, and 54-2056(5) - engaging in conduct designed to encourage, entice, or induce the client to terminate a legal business arrangement with the first brokerage. Received a Formal Reprimand; required to pay a \$3,500 civil fine and \$300 for costs and attorney's fees; must successfully complete a Real Estate Law class within 6 months. Her license is suspended for 12 months - but the suspension is withheld providing she complies with the terms of the Final Order and violates no additional license law.

Parsons, Robert Dean, associate broker in Meridian. Allowed Shaun Howell to bring over a listing from a previous brokerage, but did not require him to obtain a new listing. Transaction involved a short sale, and at one time he allowed David Benoit to prepare a new listing showing Parsons as the listing agent, but Benoit did not work for him. Stipulated to violation of Idaho Code 54-2038(1)(a) - failure to supervise; 54-2040(5) - allowing a licensee who wasn't affiliated with him to prepare listings on his behalf; 54-2051(4) - failure to include four required elements in a purchase and sale agreement; 54-2053(4) - misleading advertising. Received a Formal Reprimand; ordered to pay a \$1,500 civil fine and \$300 for costs and attorney's fees; required to complete a Business Conduct and Office Operations class within one year.

Roundtree, Nicholas L., associate broker in Boise. Misrepresented the name of his brokerage in his advertising campaign. Stipulated to violation of Idaho Code 54-2053(4) - misleading advertising. Received

Disciplinary Actions continued on page 9

a Formal Reprimand; ordered to pay a \$500 civil fine and \$300 for costs and attorney's fees.

Schulz, Donald, broker, currently expired. Stipulated to violation of Idaho Code 54-2040(1) - changing his principal place of business without notifying the Commission, and 54-2039(1) - being absent from his brokerage for more than 21 days without having a qualified individual acting as designated broker at all times. Received a Formal Reprimand; ordered to pay a \$2,000 civil fine and \$300 for costs and attorney's fees.

Silver, Barry, unlicensed individual. Procured listings for six Idaho AmeriTitle properties, and sold one of them in McCall. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice. Ordered to pay a \$3,500 civil fine and \$300.00 for costs and attorney's fees.

Slaughter, Wayne D., salesperson in Boise. Was short four (4) hours of elective credit for his renewal. Given opportunity to sign simple form stipulation, but did not. Stipulated to violation of Idaho Code 54-2023(1)(a) - required number of classroom hours is as follows: a licensee renewing on active status must successfully complete a Commission Core course, plus sixteen (16) classroom hours of continuing education, on or before the current license expiration date; and 54-2060(7) - employment of misrepresentation or misstatement in applying for or securing a license to act as a real estate broker or salesperson in the state of Idaho. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$675 for costs and attorney's fees.

Whitaker, Brett D., designated broker in Island Park. Worked with two sellers who were divorcing. The buyer purchased some personal property outside escrow, and wrote two equal checks to each seller. Whitaker held one of the checks in an effort to gain compensation for work he authorized, but the sellers did not. Stipulated to violation of Idaho Code 54-2051(4)(f) - failing to get all proper signatures on a purchase and sale agreement; 54-2060(3) - failure to account for entrusted funds; and 54-2087(5) - failure to account for entrusted funds on behalf of a client. Received a Formal Reprimand; ordered to pay a \$1,200 civil fine and \$300 for costs and attorney's fees.

Wiegand, Diane E., designated broker in McCall. Interfered with the complainant's Buyer Representation Agreement, by maintaining contact with the buyer, and helping them enter into a contract to buy a different property while the buyer was under contract elsewhere. She also advertised a property that had expired in two differ-

Disciplinary actions continued from page 8

ent Multiple Listing Services. Stipulated to violation of 54-2053(4) - misleading advertising, 54-2054(4) - interfering with another broker's contract, and 54-2086(1)(b) - for failing to assist the buyer customer with reasonable skill and care, by placing them at risk of having to compensate the broker with whom they were under contract. Received a Formal Reprimand; ordered to pay a \$3,000 civil fine and \$450 for costs and attorney's fees; required to successfully complete a Business Conduct and Office Operations class and a Cracking the Code of Ethics class within 6 months. Additionally, her license is suspended for 12 months, but the suspension is withheld, provided she complies with the terms of the Final Order and violates no other license law.

Wixom, Donald D., managing associate broker in Eagle. Wixom employed a thief as a bookkeeper. She stole thousands of dollars of entrusted funds from his brokerage. Wixom was on notice that she could be a thief, and still employed her and allowed her to steal from his clients. Stipulated to the following violations:

a. 54-2038(1)(a) - Failure to supervise and control, in the manner required by law and rule, all office locations, and the activities of employee for whom Wixom was responsible;
b. 54-2041(2) - For making late deposits.
c. 54-2041(5) - Failure to remain fully responsible and accountable for all entrusted moneys and property until a full accounting had been given to the parties involved.
d. 54-2044(6) - Failure to maintain a check register that was properly posted, maintained and kept current at all times. Specifically:

(a) the date of the deposit or disbursement;
(b) the payee or payor;
(c) the amount and purpose of any deposits or disbursements;
(d) the check number;
(e) the transaction number; and
(f) the current cash balance remaining in that trust account.

e. 54-2044(7) - Failure to maintain, in hard copy, a duplicate bank deposit record, imprinted with the broker's business name and the words "real estate trust account." Each deposit record should have shown:

(a) the name of the person or firm placing the money with Wixom's office;
(b) the date of the deposit; and
(c) the transaction number. The duplicate deposit record shall be retained in the bank deposit records in proper chronological sequence and shall be date-stamped by the bank, or the bank deposit receipt shall be attached to the duplicate deposit record in the deposit records.

f. 54-2050(2) - Failure to ensure that each buyer representation agreement, whether

exclusive or non-exclusive, contained the following provisions:

(a) conspicuous and definite beginning and expirations dates; and

(d) appropriate signatures and their dates.

g. 54-2048(3) - Failure to create and maintain (for the retention period required by 54-2049) a transaction file containing the following documents, as applicable. For all pending, closed or fallen transactions, the original or a true and correct copy of:

(b) a responsible broker who is representing both the seller and the buyer in a transaction shall retain properly executed brokerage representation agreements in the transaction file.

h. 54-2053(4) - Providing advertising to the public or to prospective customers or clients which is misleading in nature.

i. 54-2060(12) - Acting recklessly or with gross negligence in regulated real estate transactions by failing to:

- properly supervise his Office Manager's handling of the trust account and entrusted funds;
- review and balance his trust account on a monthly basis;
- ensure entrusted funds were deposited in accordance with the license law or written instructions of the parties; and
- maintain transaction files in accordance with the license law.

Received a Formal Reprimand; ordered to pay a \$4,000 civil fine and \$300 for costs and attorney's fees. His real estate broker's license is revoked effective March 31, 2014, but he is permitted to retain an active salesperson's license.

Woyak, Cynthia Lorraine "Cindy", designated broker in Meridian. Signed some lending addenda involving a short sale in April. She did not review the contracts or create a transaction ledger sheet until mid June. Stipulated to violation of Idaho Code 54-2038(1)(a) - failure to supervise, and 54-2044(2) - failure to immediately create a trust ledger. Received a Formal Reprimand; ordered to pay a \$500 civil fine and \$300.00 for costs and attorney's fees; required to complete a Business Conduct and Office Operations class within one year.

Late Errors & Omission Insurance Renewal Violations - Civil fine for violation of Idaho Code §54-2013 - failure of a licensee to maintain Errors and Omissions insurance or failure of a licensee to submit or cause to be submitted a certificate of coverage as required. (First time violation unless indicated otherwise by multiple asterisks.)

Action Homes, LLC, limited liability company in Boise - \$150
Adler, Joel, designated broker in Camarillo, California - \$150
Atlas Realty Team, Inc., corporation in Boise - \$300**
Bell Thompson, Patricia J., designated broker in Nampa - \$150
Bledsoe, Neva A., associate broker in Salmon - \$150
Bork, Joshua W. "Josh", salesperson in Emmett - \$150
Brennan, Jeremy, salesperson in Coeur d'Alene - \$150
Burton, James A., salesperson in Coeur d'Alene - \$150
Butler, Steven G., expired broker - \$150
Carlson, Ricky L. "Rick", salesperson in Coeur d'Alene - \$150
Castaneda, Sylvestre, designated broker in Nampa - \$2,400*****
Catt, Aaron M., salesperson in Boise - \$150
Cochran, Barton, terminated salesperson - \$200** (from 2007)
Cochran, Krista Lou, salesperson in Boise - \$150
Cool Beans Inc. dba Venture One Referral, terminated corporation - \$150
Crocker, Billie, designated broker in Salt Lake City, Utah - \$150
Cruse, Tara J. "TJ", salesperson in Garden City - \$150
Curtis, Dennis R., salesperson in Burley - \$300**
Dean, Kendra S., salesperson in Glens Ferry - \$150
DeVinaspre, Christy, salesperson in Caldwell - \$150
Dougall, Tamatha Ann (Robles) - inactive salesperson - \$150
Feinberg, Phil, associate broker in McCall - \$150
Fisher, Patience M., inactive broker - \$150
Flint, Gretchen, salesperson in Twin Falls - \$150
Fornander, Jennifer M., salesperson in Boise - \$150
Freeman, Mark S., salesperson in Meridian - \$150
George, Carol Jane, inactive broker - \$1,200*****
Gingerich, Jacqueline S., salesperson in Garden City - \$300**
Gray, Laura K., salesperson in Coeur d'Alene - \$100 (from 2010)
Greenman, Zachary P., salesperson in Boise - \$150
Groves, Richard Craig, associate broker in Boise - \$300**
Hale, Kathleen E., salesperson in Twin Falls - \$300**
Hamilton, Robert L., inactive broker - \$300**
Harris, Westly, salesperson in Eagle - \$150
Herrick, Sheri, inactive salesperson - \$100 (from 2009)

Disciplinary actions continued from page 9

Holtry, Jennifer Jean, salesperson in Caldwell - \$150
Homspace, LLC, terminated limited liability company - \$150
Hughes, Brett, designated broker in Meridian - \$150
Kane, Bradley A., salesperson in Twin Falls - \$150
Kildew, Kim, salesperson in Boise - \$600***
Knox, Aaron, salesperson in Meridian - \$150
Kroetch, Joseph J., salesperson in Coeur d'Alene - \$300**
Lind, Ashlee B., inactive salesperson - \$150
McCarron, Weston, salesperson in Jerome - \$300**
McCustion, LuCinda "Cindy", salesperson in Rexburg - \$150
Melin, Deanna D., salesperson in Ketchum - \$150
Morrison, Joshua D., salesperson in Nampa - \$150
Morrison, Julia, salesperson in Nampa - \$300**
Morrison-Sund, Emily K., salesperson in Boise - \$150
Movoto, Inc., corporation in Eagle - \$150
O'Dell, Deslyn, salesperson in Nampa - \$150
Overall, Anita, salesperson in Boise - \$300**
Patty Bell & Company REALTORS®, corporation in Nampa - \$150
Pleva, Angel, salesperson in Boise - \$150
Rasmussen, Kristen, salesperson in Meridian - \$150
Raymes, Renee, salesperson in Boise - \$150
Realty Defenders, LLC, limited liability company in Boise - \$300**
RW Associates, Inc., corporation in Boise - \$150
Schenkenberger, Gary C., salesperson in Coeur d'Alene - \$150
Shirley, Barbara L., salesperson in Boise - \$150
Short, Donna, salesperson in Coeur d'Alene - \$150
Sparling II, Jerry, inactive salesperson - \$150
Todd, Abby Dee, salesperson in Victor - \$300**
Wade, David R., associate broker in Boise - \$300**
Whitaker, Shawn R., designated broker in Boise - \$300**
Wilson, Paul J., designated broker in Boise - \$150
Wright, Kristen S., designated broker in Eagle - \$150

=====

Late Continuing Education Violations - Civil penalty for violation of Idaho Code §54-2018(5) – submitting a license renewal

Disciplinary Actions continued on page 11

al application without having obtained the Continuing Education required by Idaho Code §54-2023; and/or §54-2060(7) - misstatement in the application for renewal of a real estate license. (First time violation unless indicated otherwise by multiple asterisks.)

Asinelli, Elda, salesperson in Meridian - \$150
Benglan, Randy L., salesperson in Georgetown - \$1,000
Bennett, Shelley L., designated broker in Moscow - \$750
Brandt, Shannon Blair, salesperson in Meridian - \$150
Caswell, Mickie J., salesperson in Sandpoint - \$150
Catovic, Adin, salesperson in Meridian - \$1,000**
Colton, Michelle A., salesperson in Meridian - \$150
Conigliaro, Marcello F., designated broker in Coeur d'Alene - \$1,000**
Conklin, Katie Ann, salesperson in Meridian - \$1,000
Cooper, Kim Dale, designated broker in Coeur d'Alene - \$500
D'Orazio, Gary B., salesperson in Boise - \$150
Dane, Russell J., salesperson in Boise - \$1,500**
Delbridge, Faye L., salesperson in Nampa - \$500
Eliassen, Desiree, designated broker in Chubbuck - \$500
Flores, Anita M., salesperson in Boise - \$500
Givens, Daniel L., associate broker in Boise - \$150**
Harvey, David L., designated broker in Twin Falls - \$1,000
Henning, Greg F., salesperson in Caldwell - \$750
Hoialmen, James, salesperson in Coeur d'Alene - \$500
Hundley, Grace Y., designated broker in West Palm Beach, Florida - \$500
Inglis Gebhards, Suzanne M., associate broker in McCall - \$500
Klundt, Travis S., salesperson in Twin Falls - \$150
Kurtz, Jeanette S., salesperson in Boise - \$150
Lambert, Matthew Q., salesperson in Coeur d'Alene - \$500
Law, Helen Simpson, associate broker in Eagle - \$500
MacNeil, Brett R., designated broker in Eagle - \$500
McGraw, Richard W., associate broker in Boise - \$1,000**
Mecham, Norman Dean, designated broker in Garden City, Utah - \$500
O'Malley, Gary K., salesperson in Ketchum - \$500
Park, Michelle R. "Mickie", salesperson in Emmett - \$150

Patterson, Kristie Anna, salesperson in Boise - \$500
Pugmire, Pamela, salesperson in Meridian - \$500
Salisbury, Brock A., salesperson in Boise - \$500
Shioya, Brian, salesperson in Coeur d'Alene - \$150
Simonson, Larry L., salesperson in McCall - \$500
Slaymaker, Toni D., associate broker in Meridian - \$150
Smith, Scott D., salesperson in Coeur d'Alene - \$1,000**
Smutny, James, salesperson in Meridian - \$150
Stembridge, Launie, salesperson in Idaho Falls - \$750
Svaty, Natalie E., salesperson in Meridian - \$750
Tam, Chiutung "Marcus", salesperson in Meridian - \$1,000
Teramura, Richard K., salesperson in Ontario, Oregon - \$1,000
Vinson, Tyler K., designated broker in Spokane, Washington - \$1,000
Webb, Jay D., designated broker in Idaho Falls - \$1,000
Wiegand, Diane E., designated broker in McCall - \$750

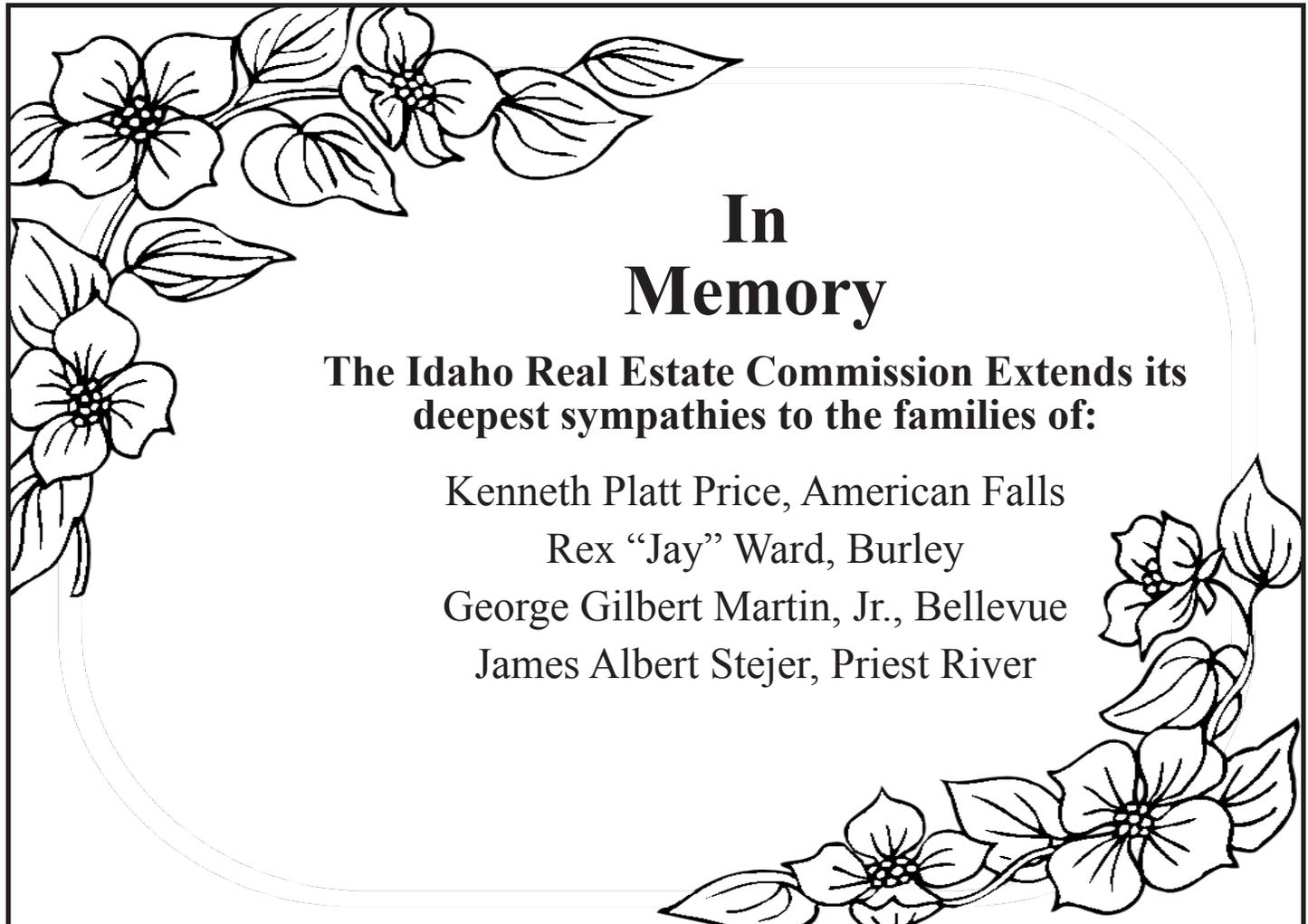
Winn, Randy S., associate broker in Meridian - \$1,000**
Winther, Anthon V., salesperson in Nampa - \$1,000

Late License Renewal or Activation Violations - 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.

Adams, Kent LeRoy, inactive salesperson - \$50
Allen, Shannon May, salesperson in Boise - \$10
King, Shawn A., inactive salesperson - \$30
MacGillivray, Lachland T., salesperson in Meridian - \$70
Maricich, A. Nicholas, inactive salesperson - \$50
Moore, Darlene V., designated broker in Nampa - \$180
Stafford, Michelle, salesperson in Coeur d'Alene - \$10
Turner, Tamra Lee, salesperson in Twin Falls - \$30

Office Audit Citation Violations - Civil penalty fine for various Idaho Code violations found during an office inspection.

Bitton, Ronald, designated broker with Professional Realty Services, in Pocatello - \$25
Conner, Reata J., designated broker with Keller Williams Realty Boise, in Boise - \$150
Hume, LeAnn, designated broker with Cushman & Wakefield Commerce Real Estate Solutions, in Boise - \$50
Ipaye, Linda, designated broker with The Real Estate Shop, LLC in Boise - \$75
Kasper, Tracy, designated broker with Silverhawk Realty in Caldwell - \$25
Mitchell, Isaac, designated broker with Patriot Real Estate, in Chubbuck - \$25
Perttu, Cynthia, designated broker with Results Realty, in Clarkston, Washington - \$50
Robnett, Margaret E., designated broker with Robnett Properties, in Eagle - \$25



In Memory

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

- Kenneth Platt Price, American Falls
- Rex "Jay" Ward, Burley
- George Gilbert Martin, Jr., Bellevue
- James Albert Stejer, Priest River



IDAHO

REAL ESTATE COMMISSION

Published by:
Idaho Real Estate Commission
575 E. Parkcenter Blvd., Suite 180
Boise, ID 83706

Prsrt Std
US Postage
PAID
Boise ID
Permit #679

The Real Estatement

Vol. 35, No. 2 - July 2014

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). Costs associated with this publication are available from the Idaho Real Estate Commission in accordance with section 60-202, I.C. 0714/11,000/429. Please advise the Commission office of any individuals with disabilities needing accommodation.

Idaho Real Estate Commission
575 E. Parkcenter Blvd., Suite 180
Boise, Idaho 83706
(208) 334-3285
(208) 334-2050 fax
(800) 377-3529 TRS
irec.idaho.gov

Governor
C.L. "Butch" Otter