

IDAHO REAL ESTATE COMMISSION
May 18, 2022 – 1:30 p.m. (MT)

Division of Occupational and Professional Licenses
Holiday Inn & Suites – 3005 S. Fork Blvd., Idaho Falls, ID

MINUTES OF THE MAY 18, 2022 COMMISSION MEETING

NOTE: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but to record the significant features of those discussions.

Chairman Michael Johnston called the meeting to order at 1:33 p.m. (MT)

Commission Members:

Michael Johnston, Chairman
Kim Cooper, Vice-Chairman
Elizabeth Hume
Jill Stone
Martin Espil

DOPL Staff:

MiChell Bird, Executive Officer
Don Morse, Investigator
Renee Bryant, Board Support Supervisor
Carlotta Zito, Board Support Specialist

Legal Counsel:

David Wynkoop

Approval of the March 7, 2022 Commission Meeting Minutes

MOTION: Commissioner Stone made a motion to approve the March 7, 2022 Commission Meeting Minutes as presented. Motion carried.

Review of Attendance Policy for CE Credit

Chairman Johnston spoke to the attendance policy for receiving continued education (CE) credits when attending Commission meetings.

Idaho REALTORS®

Idaho REALTORS® President Patrick Malone updated the Commission on the Idaho REALTORS® (IR) membership numbers. IR made changes to the release date of new forms, which may affect IREC. The previous July 1st release date of forms made it difficult to train agents on the changes as summer months are the busiest time of year. Moving forward, new forms will be released in January. The annual convention of Idaho REALTORS® will be in Coeur d'Alene, October 3-8, 2022.

Commission Business

Licensing Reports – There were no questions or concerns with the License Base and New Brokers & Companies analysis report.

Advertising Guideline – Real Estate Advertising Guideline 13 was presented for review. A few tweaks were made to the Frequently Asked Questions section. The rest of the guideline stayed exactly as the Commission approved in March 2022. Chairman Johnston led a discussion with the audience, entertaining questions regarding the question-and-answer section.

MOTION: Commissioner Cooper made a motion to approve the new guideline #13, which incorporates the former guidelines #12 & #13. Motion carried.

Broker Bulletin – Executive Officer Bird explained the purpose of the annual Broker Bulletin. This year’s subject matter is teams and the difficulty consumers and agents have identifying which member to contact within a team. A draft of the bulletin was presented to the Commission for review and input. A request was made to send the bulletin to Managing Brokers, as well as Designated Brokers.

Division Business

Division Update – Executive Officer MiChell Bird provided an update on the DOPL consolidation of 11 agencies and 48 licensing boards into one division. The move to one location at the Chinden Campus will begin June 14, 2022.

Financial Report – Executive Officer Bird presented an update of the consolidation of finances and allocation methods of expenses between the different boards. Chairman Johnston asked, and Executive Officer Bird stated, civil penalty fines are being accounted for separately and are used for education only. The restricted fund amount is included in the cash balance but not broken out separately in this report.

Discipline

Default Judgment for Bret Allen Welty – Investigator Don Morse addressed the Notice of Proposed Default on Bret Allen Welty. There were no questions from the Commission.

MOTION: Commissioner Hume made a motion in the matter of Idaho Real Estate Commission vs. Bret Allen Welty. Based on the record showing the Administrative Complaint was filed and personally served on the respondent more than 21 days ago, and Respondent has failed to file any answer or other motion; and Respondent was issued a Notice of Proposed Default Order and has failed to respond to that as well, Commissioner Hume moved to Enter a Default Order. Motion carried.

Stipulations

IREC vs. Case No. 21-0289–Kitchens – The party’s Stipulation in this matter was presented for ex parte hearing and recorded. Investigator Don Morse was sworn in and presented the Stipulation. No other testimony was presented.

MOTION: Commissioner Cooper made a motion to accept the Stipulation as presented by staff and enter into Final Orders in accordance with the terms of the Stipulation. Motion carried.

Report on Investigative Files

PC Memo No. 22-0012 – Investigator Don Morse presented PC Memo No. 22-0012, which is for signing documents on behalf of the complainant without their knowledge or power of attorney. The agency is seeking permission to move forward on the case.

PC Memo Nos. 22-0021, 22-0022, 22-0023, 22-0024 & 22-0025– Investigator Don Morse presented PC Memo Nos. 22-0021, 22-0022, 22-0023, 22-0024 & 22-0025 which are for practicing while unlicensed. The agency is seeking permission to move forward on these cases.

MOTION: Commissioner Stone made a motion that finding the facts set forth in probable cause memo Nos. 22-0012, 22-0021, 22-0022, 22-0023, 22-0024 and 22-0025, provided by the Executive Director, and pursuant to Idaho Code 54-2058(1), are sufficient to proceed to formal action on the violations presented. Commission staff is authorized to file administrative complaints, and upon the initiation of any formal proceedings the Executive Director shall appoint a hearing officer to preside in the cases, as provided by

law. The hearing officer shall have the standard authority set forth in Chapter 2 of the Commission's Administrative Rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order", a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Executive Session

MOTION: Commissioner Hume made a motion to adjourn to executive session pursuant to Idaho Code 74-206(1)(d) to consider the records that are exempt from disclosure as provided in Chapter 1, Title 74, Idaho Code relating to information obtained as part of an inquiry into the fitness to be granted to retain a license or certificate. Roll call: Jill Stone-yes, Michael J. Johnston-yes, Kim Cooper-yes, Elizabeth Hume-yes, and Martin Epsil-yes. Motion carried.

With no further business, Commission Chair Johnston asked for a motion to exit Executive Session.

MOTION: Commissioner Cooper made a motion to exit Executive Session and return to the open meeting. Motion carried.

Special Consideration Nos. 22-012, 22-014 and 22-015

MOTION: Commissioner Cooper made a motion to approve the exemption requests for #22-012, #22-014, and #22-015. Motion carried.

Special Consideration No. 22-013

MOTION: Commissioner Cooper made a motion to deny the request for exemption #22-013 due to lack of requested documents. Motion carried.

ARELLO

The DOPL administrator has requested no quorum of a Commission be present at conferences, events, etc. The Commission agreed to send Commissioners Stone and Cooper to the ARELLO 2022 Annual Conference in Nashville, TN, August 29, 2022 to September 2, 2022.

Adjournment

With no further comments, Commission Chair Johnston adjourned the meeting at 4:05 p.m. MT.


MICHAEL J. JOHNSTON, CHAIRMAN
REAL ESTATE COMMISSION


MICHELL BIRD, EXECUTIVE OFFICER
DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSES

JULY 11, 2022

DATE

7/12/22

DATE

06/01/22cz