

**IDAHO REAL ESTATE COMMISSION  
MEETING MINUTES  
March 9, 2020**

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at 575 E. Parkcenter Blvd., Suite 180, Boise, Idaho on Monday, March, 9 at 1:00 p.m.

**Commission Members Present:**

Jill Stone, Chair, Twin Falls  
Mike Gamblin, Vice-Chair, Boise  
Kim Cooper, Member, Coeur d'Alene  
Michael James Johnston, Member, Idaho Falls  
Martin Espil, Public Member, Boise  
**Comprising a quorum of the Commission**

**Members Absent:**

**Staff Present:**

Michelle Bird, Executive Director  
Melissa Ferguson, Education & Licensing Director  
Craig Boyack, Chief Investigator  
Jessica Valerio, Administrative Assistant 2

**Others Present:**

David Wynkoop, Commission's Legal Counsel  
David Hensley, CEO, Idaho REALTORS®  
See attached list

**Introductions:**

- a. Commissioners
- b. Staff
- c. Guests

Meeting was called to order at 1:00 p.m. MT by Commission Chair Jill Stone

**Approval of Meeting Agenda:** Motion was made by Commissioner Mike Gamblin to approve the March 9, 2020 meeting agenda. Motion carried.

**Approval of Meeting Minutes:** Motion was made by Commissioner Kim Cooper to approve the January 23 and February 21, 2020 Commission meeting minutes. Motion carried.

**Staff Reports:**

The following reports were presented for members' review; copies of which are on file at the Commission office:

- **January 2020 Financial Report(s)**
- **License Base Analysis**
- **Examination Statistics**
- **Complaint Summary Report**
- **Enforcement Telephone Activity Log(s) January 2020**
- **Audit Report(s) January 2020**
- **Waiver by State Report(s) January 2020**
- **Education & Licensing Telephone Log(s) January 2020**

**Idaho REALTORS®:** CEO, David Hensley, gave an update number of 10,547 members as of the end of February. David Hensley also announced the IR convention would take place at the Coeur d'Alene Resort in October 2020.

**Executive Director's Report:**

- **Legislative Update:** Director Bird gave update on each piece of legislation. Director Bird reported where each piece had passed both sides of the legislature and was waiting for the Governor's signature.
- **William's Travel Report:** William Robertson reported on his travel to a Laserfiche conference in Long Beach, CA.
- **Report on Streaming Meeting:** Director Bird reported on streaming meetings and research she made of other states. Discussion ensued.
- **Discussion on Travel:** Administrative Assistant Jessica Valerio gave a brief summary of travel policy and procedure, and the importance of submission of the travel expense worksheet.

**Enforcement**

**Stipulations:**

**Staff vs. Alex R. Smith, Case No. 19-0530:** The party's Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was presented. Motion was made by Commissioner Michael J. Johnston to approve the Stipulation and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is

attached hereto and made a part of these minutes.

**Staff vs. Michael J. “Rip” Roberts, Case No. 19-0217:** The party’s Stipulation in this matter was presented for ex parte hearing and tape-recorded. Don Morse was sworn in and presented the Stipulation. No other testimony was presented. Motion was made by Commissioner Michael J. Johnston to approve the Stipulation and to enter a “Final Order” in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

**Staff vs. Kristen J. “Red” Vozza, Case No. 19-0365:** The party’s Stipulation in this matter was presented for ex parte hearing and tape-recorded. Nathan Svevad was sworn in and presented the Stipulation. No other testimony was presented. Motion was made by Commissioner Michael J. Johnston to approve the Stipulation and to enter a “Final Order” in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

#### **PC Memos:**

**Probable Cause Memo #19-0076 and #19-0077:** A motion was made by Commissioner Kim Cooper finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Commissioner Kim Cooper further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in the Attorney General’s administrative rules. 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.

#### **Cost and Attorney Fees Objection:**

**Staff vs. Randall Franz:** A motion was made by Commissioner Mike Gamblin to direct Commission Counsel to draft a response to the objection of cost and attorney fees. Motion carried.

**Executive Session:** In accordance with provisions of Idaho Core (74-206(1)(b)), a motion was made by Commissioner Michael J. Johnston to adjourn to executive session. Roll was called, Michael J. Johnston, Mike Gamblin, Jill Stone, Kim Cooper, and Martin Espil voted in favor. Motion carried.

**Regular Session:** There being no further purpose for an executive session, a motion was made by Commission Mike Gamblin to adjourn the executive session and return to open

meeting. Motion carried.

**Exemption Review #20-005:** Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(e); following discussion, review of the documents submitted, and having reviewed and considered the six factors set forth in Idaho Code Section 54-2012(1)(e)(ii), an amended motion was made by Commissioner Kim Cooper to move final decision until next regular scheduled commission meeting to receive legal counsel to provide analysis. Motion carried.

**Guideline #8 Review:** Director Bird led review of Guideline #8. Discussion ensued. Commissioners decided to review and send edits via email, then approve at next meeting.

There being no further business, Chair Jill Stone adjourned the meeting at 3:55 p.m. MT.

Respectfully submitted,



MiChell Bird  
Executive Director

MB:jv

Attachments:      Financial Report(s) January 2020  
                         License Base Analysis  
                         Examination Statistics  
                         Education & Licensing Telephone Log(s) January 2020  
                         Complaint Summary Report  
                         Enforcement Telephone Activity Log(s) January 2020  
                         Audit Report(s) January 2020  
                         Waiver by State Report(s) January 2020  
                         Final Orders

**Minutes of the Idaho Real Estate Commission meeting on March 9, 2020 are hereby approved.**

Jill Stone, Chair  
*Jill Stone*

7/31/2020 12:38:34 PM MDT

*Kim Cooper*  
Kim Cooper, Member

*Mike Gamblin*

Mike Gamblin, Vice Chair

*Michael J. Johnston*

July 31, 2020

Michael J. Johnston, Member

*Martin Espil*

Martin Espil, Member