IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
May 21, 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 Thursday, May 21 at 8:30 a.m. (via Zoom)

Commission Members Present:  
Jill Stone, Chair, Twin Falls  
Mike Gamblin, Vice-Chair, Boise  
Kim Cooper, Member, Coeur d’Alene (via Zoom)  
Michael James Johnston, Member, Idaho Falls (via Zoom)  
Martin Espil, Public Member, Boise (via Zoom)  
Comprising a quorum of the Commission

Members Absent:

Staff Present:  
MiChell Bird, Executive Director  
Melissa Ferguson, Education & Licensing Director (via Zoom)  
Craig Boyack, Chief Investigator (via Zoom)  
Gayle Bixey, Auditor (via Zoom)  
Alice Young, Training Specialist (via Zoom)  
Nathan Sveva, Investigator (via Zoom)  
Jessica Valerio, Administrative Assistant 2

Others Present:  
David Wynkoop, Commission’s Legal Counsel (via Zoom)  
David Hensley, Idaho REALTORS®  
See attached list

Introductions:  
a. Commissioners  
b. Staff  
c. Guests

Meeting was called to order at 8:31 a.m. MT by Commission Chair Jill Stone.

Approval of Meeting Agenda: Motion was made by Kim Cooper to approve the May 21, 2020 amended meeting agenda. Motion carried.

Approval of Meeting Minutes: Motion was made by Commissioner Michael J. Johnston to approve the March 9 and April 14, 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:

- Financial Report(s) March, April 2020
- Complaint Summary Report
- Enforcement Telephone Activity Log(s) March, April 2020
- Audit Report(s) March, April 2020
- License Base Analysis
- Examination Statistics
- Waiver by State Report
- Education & Licensing Telephone Log (s) March, April 2020
- New Brokers/Company

Idaho REALTORS®: CEO, David Hensley, gave a report on the REALTORS® work during the statewide state at home order, directives they have been instructing their members to follow. David also gave an update number of 11,077 members.

Executive Director’s Report:
Approval of FY2021 Management and Travel Budget: Director Bird presented the Management and Travel budget for FY2021. Motion was made by Commissioner Mike Gamblin to approve FY2021 Management and Travel Budget. Motion carried.

Discussion on Handling of Earnest Money: Commissioner Michael J. Johnston led discussion on handling of earnest money. Discussion ensued.

Review of Guideline #8: Director Bird led review of Guideline #8. Discussion ensued. Motion was made by Commissioner Mike Gamblin to accept with edits. Motion carried.

Review of Policy on Website Display of Disciplinary Actions: Director Bird led discussion on the review of the Website Display of Disciplinary Actions policy. Discussion ensured. Staff were instructed by Commissioners to publish items on License Histories as is currently the practice, listing Errors and Omissions, Continuing Education, and Late License Renewals violations.

Discussion on Electronic Brokerage Audits: Director Bird, Chief Investigator Craig Boyack, and Auditor Gayle Brixey gave an overview of the new procedures of Remote Electronic Brokerage Audits. Discussion ensued.
Discussion on Potential Legislation: Director Bird led discussion on potential legislation. Director Bird mentioned ideas need to be submitted by July 10th. Chief Investigator Craig Boyack explained the idea regarding removing of language about leases in the business opportunities definition. Discussion ensued.

Education & Licensing Director’s Report:

Update on Live Online Remote Delivery: Education & Licensing Director Melissa Ferguson gave a verbal update on Live Online Remote Delivery courses. Director Ferguson reports they have received 16 applications from providers. The Education Department is currently working on streamlining applications. Currently there are three schools, one association, and one title company teaching Commission Core and Sales Pre-license course. Director Ferguson gave an update on exam proctoring.

Enforcement

Stipulations:

Staff vs. April Rinehart, Case No. 19-0209: 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 Mike Gamblin 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. Sarah Chalkus, Case No. 19-0070: 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 Mike Gamblin 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. Ringo Jade Robinson, Case No. 19-0252: 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 Mike Gamblin 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. Richard Budwee, Case No. 20-0022: 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 Mike Gamblin 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. Jennifer Weiss, Case No. 19-0071:** 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 Mike Gamblin 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. Zachary P. Nelson, Case No. 19-0370:** 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 Mike Gamblin 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. Chad M. Mitchell, Case No. 19-0076:** 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 Mike Gamblin 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.

**Notice of Default:**

**Staff vs. Jaret L. Ghent, Case No. 19-0360:** Based on the record showing that the Administrative Complaint filed and served on Respondent more than 21 days ago, and the Respondent failed to file any answer or other motion. Motion was made by Commissioner Mike Gamblin to issue a Notice of Proposed Default Order in this case, advising the Respondent he has 7 days to file a petition showing why the proposed order should not be entered. It was further moved that Commissioner Mike Gamblin, as the local member of the Commission, be appointed as presiding officer who, upon the expiration of the 7-day period, will either sign the Final Order or issue an order setting aside the proposed default order.

**Probable Cause Memo #19-0166, 19-0167, 19-0594, and 20-0134:** A motion was made by Commissioner Mike Gamblin 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 Mike Gamblin 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 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: In accordance with provisions of Idaho Code (74-206(1)(b), a motion was made by Commissioner Mike Gamblin 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 Commissioner Michael J. Johnston to adjourn the executive session and return to open meeting. Motion carried.

Exemption Review #20-005: Request seeking an exemption from revocation 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), motion was made by Commissioner Mike Gamblin to deny request for exemption. Motion carried.

Exemption Review #20-007: Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); 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), motion was made by Commissioner Michael J. Johnston to deny request for exemption. Motion was made by Commissioner Mike Gamblin to grant request for exemption. Motion carried.

Exemption Review #20-008: Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); 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), motion was made by Commissioner Michael J. Johnston to approve request for exemption. Motion carried.

There being no further business, Chair Jill Stone adjourned the meeting at 12:52 p.m. MT.
Respectfully submitted,

MiChell Bird
Executive Director

MB:jv

Attachments:
- Financial Report(s) March, April 2020
- License Base Analysis
- Examination Statistics
- Education & Licensing Telephone Log(s) March, April 2020
- Complaint Summary Report
- Enforcement Telephone Activity Log(s) March, April 2020
- Audit Report(s) March, April 2020
- Waiver by State Report
- New Brokers & Company
- Final Orders

Minutes of the Idaho Real Estate Commission meeting on May 21, 2020 are hereby approved.

Jill Stone, Chair
Kim Cooper, Member
Martin Espil, Member

Mike Gamblin, Vice Chair
July 31, 2020
Michael J. Johnston, Member

IREC Minutes 6 May 21, 2020
BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL ESTATE COMMISSION,

Petitioner,

vs.

APRIL A. RINEHART,

Respondent.

FINAL ORDER

On May 21, 2020, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2058(3): The commission also has the authority to investigate the action of any Idaho Licensee as provided in this section. The licensee or broker shall answer all reasonable investigative questions of the commission, and must make available, promptly upon request, any and all records to the commission at the licensee’s own cost and at the location or in the manner requested by the commission.

   a. Rinehart failed to provide Staff with relevant documents in her possession in a timely manner.

B. § 54-2086(1): If a buyer, prospective buyer, or seller is not represented by a brokerage in a regulated real estate transaction, that buyer or seller remains a customer, and as such, the brokerage and its licensees are nonagents and owe the following legal duties and obligation: (b) To perform these acts with honestly, good faith, reasonable skill and care.

FINAL ORDER – APRIL RINEHART
a. Rinehart gave the title company permission to release the remaining escrow holdback funds to the sellers, despite neither party signing a release.

C. § 54-2087: If a buyer or seller enters into a written contract for representation in a regulated real estate transaction, that buyer or seller becomes a client to whom the brokerage and its licensees owe the following agency duties and obligation: (2) To exercise reasonable skill and care.

a. Rinehart instructed the escrow company to release the remaining holdback funds to the sellers, despite neither party signing the release which damaged the buyers in the transaction.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

   A. The Commission’s Order shall constitute a formal reprimand of Rinehart for the actions set forth in the Stipulation.

2. **Fines and Fees**

   A. Respondent shall pay a **Four Thousand Dollar ($1,500.00) civil fine by June 22, 2020.**

   B. Respondent shall pay **costs and attorney’s fees in the amount of Four Hundred Fifty Dollars ($450.00) by June 22, 2020**, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.
C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff’s right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

D. All fines and attorney’s fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **Continuing Education**

A. Respondent shall successfully complete the following Idaho real estate educational course by November 16, 2020:

- Risky Business 1
- Risky Business 2

B. These course(s) shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent’s real estate license shall be suspended pursuant to the terms of this Final Order.
C. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action." Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent’s last known address on file at the Commission office.

Issued this 21st day of May 2020.

FOR THE COMMISSIONERS:

[Signature]

Jill Stone, Commissioner
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

April Rinehart
131 W. Braemere Road
Boise, ID 83702

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

X U.S. Mail

Email:

Facsimile Transmission

X U.S. Mail

Email:
eric@naylorhales.com

Facsimile Transmission

MiChell M. Bird, Executive Director
Idaho Real Estate Commission
BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL ESTATE COMMISSION,

                      Petitioner,

                      vs.

SARAH L. CHALKUS,

                      Respondent.

FINAL ORDER

On May 21, 2020, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2051(4)(f): The broker or sales associate shall make certain that all offers to purchase real property or any interest there in are in writing and contain all the following specific terms, provisions and statements: All appropriate signatures and the dates of such signatures.

a. Chalkus failed to obtain all required signatures in an addendum which replaced one buyer with another.

B. § 54-2060(12): Gross negligence or reckless conduct in a regulated real estate transaction. Conduct is grossly negligent or reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of real estate in Idaho.
a. Chalkus prepared and submitted a backup offer addendum indicating there was an accepted offer on her property when the offer on her property when the offer had not yet been accepted.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

   A. The Commission’s Order shall constitute a formal reprimand of Chalkus for the actions set forth in the Stipulation.

2. **Fines and Fees**

   A. Respondent shall pay a **One Thousand Five Hundred Dollars ($1,500.00)** civil fine by June 22, 2020.

   B. Respondent shall pay **costs and attorney’s fees in the amount of Four Hundred Fifty Dollars ($450.00)** by June 22, 2020, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

   C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff’s right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.
D. All fines and attorney’s fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission, 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.

3. Continuing Education

A. Respondent shall successfully complete the following Idaho real estate educational course by November 19, 2020:

- Real Estate Contracts for Today’s Transactions

B. These course(s) shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent’s real estate license shall be suspended pursuant to the terms of this Final Order.

C. Respondent is on notice that pursuant to Idaho Code 54-2023(5), “No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.” Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise
required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent’s last known address on file at the Commission office.

Issued this 21st day of May 2020.

FOR THE COMMISSIONERS:

Jill Stone, Commissioner

FINAL ORDER – SARAH CHALKUS

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Sarah Lynn Chalkus
5307 W. Rosslare Drive
Eagle, ID 83616

X U.S. Mail

Email:

Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

X U.S. Mail

Email:
eric@naylorhales.com

Facsimile Transmission

MiChell M. Bird, Executive Director
Idaho Real Estate Commission
BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL ESTATE COMMISSION,

Petitioner,

vs.

RINGO JADE ROBINSON,

Respondent.

FINAL ORDER

On May 21, 2020, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2018(5): (License Renewals – Inactive License Status – Continuing Education): A licensee shall not submit an application to renew a license on active status or to activate an inactive license without having obtained the continuing education credit hours required by section 54-20203, Idaho Code. A licensee who violates this subsection shall be subject to disciplinary action by the commission.

B. § 54-2060(7): (Grounds for Disciplinary Action): A person found guilty of misconduct while performing or attempting to perform any act requiring an Idaho real estate broker or salesperson’s license, regardless of whether the act was for the person’s own account or in his capacity as broker or salesperson, shall be subject to disciplinary action by the commission. The following acts shall constate misconduct within the meaning of this section: (7) Employment of fraud, deception, misrepresentation, misstatement or any unlawful means in applying for or securing a license to act as a real estate broker or salesperson in the state of Idaho.
Having considered the Stipulation, the Commission approves the same and
enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

   A. The Commission’s Order shall constitute a formal reprimand of Rinehart
   for the actions set forth in the Stipulation.

2. **Fines and Fees**

   A. Respondent shall pay a **One Thousand Dollar ($1,000.00) civil fine by**
   **October 19, 2020.**

   B. Respondent shall pay **costs and attorney’s fees in the amount of One**
   **Thousand Three Hundred Fifty Dollars ($1,350.00) by June 22, 2020,** and that in
   any event, all monies paid by Respondent be applied towards the costs/fees award
   first, before application to the fine.

   C. In the event Staff agrees to accept installment payments of any fine or
   fees under the Stipulation, should Respondent fail to make any one payment as
   required by its due date, then all sums remaining unpaid shall at once become due and
   payable, and no further notice shall be provided. Any agreement or act by Staff to
   accept a late payment shall not constitute a waiver of Staff’s right, upon any
   subsequent failure by Respondent to make a payment on time, to invoke this provision
   to require immediate and full payment.

   D. All fines and attorney’s fees are due and payable pursuant to the terms of
   this Order. Payments must be made directly to the Idaho Real Estate Commission by
   cash, check, money order or credit card, and may be hand delivered or mailed to the
   Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho
   83706. **All payments must be received at the Commission office on or before 5:00**
p.m. MST/MDT on the dates set forth above. **MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent’s last known address on file at the Commission office.

Issued this 21st day of May 2020.

FOR THE COMMISSIONERS:

[Signature]
Jill Stone, Commissioner

FINAL ORDER – RINGO ROBINSON  
Page 3 of 3
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Ringo Jade Robinson
17710 Chicken Dinner
Caldwell, ID 83607

X U.S. Mail

Email:

Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

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X U.S. Mail

Email:
eric@naylorhales.com

Facsimile Transmission

MiChell M. Bird, Executive Director
Idaho Real Estate Commission
BECOME THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL ESTATE COMMISSION,

Petitioner,

vs.

RICHARD M. BUDWEE, JR.,

Respondent.

FINAL ORDER

On May 21, 2020, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2060(3): Failure to account for or remit any property, real or personal, or moneys coming into the person’s possession, which belong to another.

   a. Budwee unlocked the sellers’ property and moved buyers’ personal items into the home before the transaction closed and funded.

B. § 54-2060(12): Reckless conduct in a regulated real estate transaction.

   a. Budwee helped his buyers move personal items into the home a day before the transaction closed and after sellers denied buyers’ request for early access.

C. § 54-2086(1): To properly account for moneys or property placed in the care and responsibility of the brokerage.

FINAL ORDER – RICHARD BUDWEE, JR.
a. Budwee facilitated his buyers’ access to the sellers’ property before the transaction closed and funded.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

   A. The Commission’s Order shall constitute a formal reprimand of Budwee for the actions set forth in the Stipulation.

2. **Fines and Fees**

   A. Respondent shall pay a **Four Thousand Dollar ($1,000.00) civil fine by June 22, 2020.**

   B. Respondent shall pay **costs and attorney’s fees in the amount of Four Hundred Fifty Dollars ($450.00) by June 22, 2020,** and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

   C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff’s right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

   D. All fines and attorney’s fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by
cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALE.**

3. **Continuing Education**

   A. Respondent shall successfully complete the following Idaho real estate educational course by November 16, 2020:

   - Risky Business 1
   - Risky Business 2

   B. These course(s) shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent’s real estate license shall be suspended pursuant to the terms of this Final Order.

   C. Respondent is on notice that pursuant to Idaho Code 54-2023(5), “No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.” Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, or
imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent’s last known address on file at the Commission office.

Issued this 21st day of May 2020.

FOR THE COMMISSIONERS:

[Signature]
Jill Stone, Commissioner

FINAL ORDER – RICHARD BUDWEE, JR.
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Richard Michael Budwee
1250 East Mystery Drive
Kuna, ID 83634

X U.S. Mail

_____ Email:

_____ Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

_____ U.S. Mail

X Email:
eric@naylorhales.com

_____ Facsimile Transmission

MiChell M. Bird, Executive Director
Idaho Real Estate Commission
BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL ESTATE COMMISSION,

Petitioner,

vs.

JENNIFER T. WEISS,

Respondent.

FINAL ORDER

On May 21, 2020, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2051(4): The broker or sales associate shall make certain that all offers to purchase real property or any interest therein are in writing and contain all the following specific terms, provisions and statements: All appropriate signatures and the dates of such signatures.

   a. Weiss failed to obtain all required signatures in an addendum which replaced one buyer with another.

B. § 54-2060(12): Gross negligence or reckless conduct in a regulated real estate transaction. Conduct is grossly negligent or reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of real estate in Idaho.
a. Weiss prepared and submitted a backup offer addendum indicating there was an accepted offer on the Producer property when the offer had not yet been accepted.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

   A. The Commission’s Order shall constitute a formal reprimand of Weiss for the actions set forth in the Stipulation.

2. **Fines and Fees**

   A. Respondent shall pay a **One Thousand Five Hundred Dollar ($1,500.00) civil fine by June 22, 2020.**

   B. Respondent shall pay **costs and attorney’s fees in the amount of Four Hundred Fifty Dollars ($450.00) by June 22, 2020,** and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

   C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff’s right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.
D. All fines and attorney’s fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **Continuing Education**

A. Respondent shall successfully complete the following Idaho real estate educational course by November 19, 2020:

- **Real Estate Contracts for Today’s Transactions**

B. These course(s) shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent’s real estate license shall be suspended pursuant to the terms of this Final Order.

C. Respondent is on notice that pursuant to Idaho Code 54-2023(5), “No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.” Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise
required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent’s last known address on file at the Commission office.

Issued this 21st day of May 2020.

FOR THE COMMISSIONERS:

[Signature]
Jill Stone, Commissioner
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Jennifer T. Weiss
11267 W. Petunia
Boise, ID 83709

X U.S. Mail

Email:

Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

Email:

eric@naylorhales.com

Facsimile Transmission

MiChell M. Bird
MiChell M. Bird, Executive Director
Idaho Real Estate Commission
BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL ESTATE COMMISSION,

                          Petitioner,

vs.

ZACHARY P. NELSON,

                          Respondent.

FINAL ORDER

On May 21, 2020, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2058(3): The commission also has the authority to investigate the action of any Idaho Licensee as provided in this section. The licensee or broker shall answer all reasonable investigative questions of the commission, and must make available, promptly upon request, any and all records to the commission at the licensee’s own cost and at the location or in the manner requested by the commission.

   a. Nelson failed to respond to the Commission’s notice letter.

B. § 54-2060(1)(a): The commission may also take disciplinary action against a licensee including, but not limited to, suspension or revocation of a license, where in a court of competent jurisdiction, the licensee: Has been convicted of a felony or has been convicted of a misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing or which otherwise demonstrates the licensee’s lack of trustworthiness to engage in the real estate business.
a. Nelson was convicted of felony charge of drug trafficking in methamphetamine, and a felony of possession of controlled substance.

C. § 54-2061(3): A licensee who is convicted, declared legally incompetent, or who has a judgment entered against him in a civil action as described in subsection (1) of this section, shall, within twenty (20) days of such conviction, declaration or judgment, forward to the commission a copy of the legal document evidencing the same.

a. Nelson failed to report his felony convictions to the Commission as required.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**

   A. The Commission’s Order shall constitute a formal reprimand of Nelson for the actions set forth in the Stipulation.

2. **Formal Reprimand**

   A. Nelson’s real estate license shall be revoked effective immediately.

3. **Fines and Fees**

   A. Respondent shall pay a Six Hundred Dollars ($600.00) civil fine by **June 22, 2020**, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

FINAL ORDER – ZACHARY NELSON
B. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff’s right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

C. All fines and attorney’s fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALE.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further
administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 21st day of May 2020.

FOR THE COMMISSIONERS:

[Signature]
Jill Stone, Commissioner

Jill Stone, Commissioner
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Zachary Polk Nelson
11917 Goldfinch Street
Caldwell, ID 83605

___ X U.S. Mail

___ Email:

___ Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

___ U.S. Mail

___ X Email:

___ eric@naylorhales.com

___ Facsimile Transmission

MiChell M. Bird, Executive Director
Idaho Real Estate Commission
BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL ESTATE COMMISSION,

Petitioner,

vs.

CHAD M. MITCHELL,

Respondent.

FINAL ORDER

On May 21, 2020, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

A. § 54-2087(2): If a buyer or seller enters into a written contract for representation in a regulated real estate transaction, that buyer or seller becomes a client to whom the brokerage and its licensees owe the following duties and obligations: To exercise reasonable skill and care.

   a. Mitchell told his client on numerous occasions that repairs had been completed when they had not.

B. § 54-2087(3): If a buyer or seller enters into a written contract for representation in a regulated real estate transaction, that buyer or seller becomes a client to whom the brokerage and its licensees owe the following duties and obligations: To be available to the client to receive and timely present all written offers and counteroffers.
a. Mitchell failed to present the second Inspection Contingency Notice to his buyer client.

C. § 54-2087(4): If a buyer or seller enters into a written contract for representation in a regulated real estate transaction, that buyer or seller becomes a client to whom the brokerage and its licensees owe the following agency duties and obligation: To promote the best interests of the client in good faith, honesty and fair dealing.

a. Mitchell failed to promote the best interest of his client by ensuring the Inspection Contingency Notice was signed.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Formal Reprimand**
   
   A. The Commission’s Order shall constitute a formal reprimand of Mitchell for the actions set forth in the Stipulation.

2. **Fines and Fees**
   
   A. Respondent shall pay a **Five Hundred Dollar ($500.00) civil fine by June 22, 2020.**

   B. Respondent shall pay **costs and attorney’s fees in the amount of Six Hundred Dollars ($600.00) by June 22, 2020,** and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.
C. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff’s right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

D. All fines and attorney’s fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above.** MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.

3. **Continuing Education**

A. Respondent shall successfully complete the following Idaho real estate educational course by November 19, 2020:

   - Risky Business 1
   - Risky Business 2
   - A New Look at Contract Law

B. These course(s) shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion
certificate on or before the deadline, Respondent’s real estate license shall be suspended pursuant to the terms of this Final Order.

C. Respondent is on notice that pursuant to Idaho Code 54-2023(5), “No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.” Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, or imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent’s last known address on file at the Commission office.

Issued this 21st day of May 2020.
FOR THE COMMISSIONERS:

[Signature]

Jill Stone, Commissioner
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of June, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Chad Marshall Mitchell
3063 W. Augustin Drive
Coeur d'Alene, ID 83815

________ X U.S. Mail

________ Email:

________ Facsimile Transmission

Eric F. Nelson
Naylor & Hales, PC
950 W. Bannock St. Ste 610
Boise, ID 83702

________ U.S. Mail

________ Email:

________ Facsimile Transmission

MiChell M. Bird, Executive Director
Idaho Real Estate Commission