

**IDAHO REAL ESTATE COMMISSION**

**March 7, 2022 – 1:00 p.m. (MT)**

**Division of Occupational and Professional Licenses  
Courtyard by Marriott Hotel – 1789 South Eagle Road, Meridian, ID**

**MINUTES OF THE MARCH 7, 2022 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 1:00 p.m. (MT)

**Commission Members:**

Michael Johnston, Chairman  
Kim Cooper, Vice-Chairman  
Mike Gamblin  
Jill Stone  
Martin Epsil (Absent)

**Staff:**

MiChell Bird, Executive Officer  
Melissa Ferguson, Edu. & Curr. Prog. Supervisor  
Steve Gorski, Investigative Unit Manager  
Laura Shankel, Licensing & Registration Manager  
Jesama Rosensweig, Licensing Supervisor  
Renee Bryant, Board Support Supervisor  
Linda Pratzner, Board Support Specialist

**Legal Counsel:**

David Wynkoop

**Review of Attendance Policy for CE Credit**

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

**Approval of the January 19, 2022 Commission Meeting Minutes**

**MOTION:** Commissioner Cooper made a motion to approve the January 19, 2022 Commission Meeting Minutes as presented. Motion carried.

**Idaho REALTORS®**

Idaho REALTORS® CEO David Hensley informed the Commission of Idaho REALTORS® events in April and May 2022. In addition, October 3-8, 2022 is the annual Idaho REALTORS® Convention in Coeur d'Alene.

Mr. Hensley updated the Commission on the Idaho REALTORS® membership.

**Commission Business**

**Licensing Reports** – There were no questions or concerns with the following licensing reports: License Base Analysis, License Examination Statistics, Waiver Report, Licensing Telephone Log, and New Brokers & Companies.

**Advertising Guideline** – At the November 2021 meeting, the Commission asked the two advertising guidelines be combined into one guideline, which was presented at today's meeting. Executive Officer MiChell Bird requested the Commissioners approve it for use at the *Instructor Development Workshop (IDR) 2022*. The Commissioners made several recommended changes.

**MOTION:** Commissioner Stone made a motion to approve the guideline as amended. Motion carried.

Core/IDW 2022 Update – The *Instructor Development Workshop (IDW) 2022* will be held on March 8-9, 2022 in Meridian. Education & Curriculum Program Supervisor Melissa Ferguson provided an update on the topics and speakers. The last session titled “Troublesome Trends” will address forgery, disclosure, and unlicensed practices. The Commissioners were asked to participate in one scenario and provide feedback.

### **Division Business**

DOPL Organizational Chart – Executive Officer MiChell Bird provided an update on the DOPL organizational chart. The move to the Chinden Campus should take place in June or July 2022.

### **Discipline**

Enforcement & Audit Reports – Steve Gorski, Investigative Unit Manager, stated in January and February 2022, the Division received a modest number of cases. The number of audit inquires were similar to January and February, with inspectors primarily providing remote audits.

### **Stipulations**

IREC vs. Case #20-0298–Joseph E. Cooley, #21-0299–Alberto Vazquez, and #21-0301–Shaydon N. Wood – The party’s Stipulations in this matter were presented for ex parte hearing and tape-recorded. Investigator Don Morse was sworn in and presented the Stipulations. No other testimony was presented.

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

IREC vs. Case #21-0058–Esmael Hill and #21-0299–Evan Morton – The party’s Stipulations in this matter were presented for ex parte hearing and tape-recorded. Investigator Don Morse was sworn in and presented the Stipulations. No other testimony was presented.

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

IREC vs. Case #21-0134–Edward Ray Montierth – The party’s Stipulation in this matter was presented for ex parte hearing and tape-recorded. Investigator Nathan Svevad was sworn in and presented the Stipulation. No other testimony was presented.

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

### **Report on Investigative Files**

PC Memo #21-0670 – Investigator Nathan Svevad presented PC Memo #21-0670, which is for an inactive real estate license, change in personal information, advertising under previous name, misrepresented the existence of an offer, and failed to meet the accepted standard of care in the practice of real estate in Idaho. The agency is seeking permission to move forward on the case.

**MOTION:** Commissioner Cooper made a motion that finding the facts set forth in probable cause

memo #21-0670, 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 an administrative complaint, and 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.

PC Memo #21-0611 – Investigator Nathan Svevad presented PC Memo #21-0611, which is for failure to disclose adverse material, no power of attorney on seller’s behalf, and failure to exercise the best interests of the client. The agency is seeking permission to move forward on the case.

**MOTION:** Commissioner Cooper made a motion that finding the facts set forth in probable cause memo #21-0611, 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 an administrative complaint, and 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.

PC Memo #21-0546 – Investigator Don Morse presented PC Memo #21-0546, which is for misleading MLS advertisement even after the offer and listing contracts terminated and expired, and failure to promote the best interests of the client. The agency is seeking permission to move forward on the case.

**MOTION:** Commissioner Cooper made a motion that finding the facts set forth in probable cause memo #21-0546, 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 an administrative complaint, and 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.

PC Memos #21-0680 and #21-0681 – Investigator Craig Boyack presented PC Memos #21-0680 and #21-0681, which are for an unlicensed broker and unlicensed company in Idaho. The agency is seeking permission to move forward on the case.

**MOTION:** Commissioner Stone made a motion that finding the facts set forth in probable cause memos #21-0680 and 21-0681, 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 an administrative complaint, and 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**

**MOTION:** Commissioner Cooper 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: Michael J. Johnston-yes, Kim Cooper-yes, Mike Gamblin-yes, Jill Stone-yes. Motion carried.

**MOTION:** Commissioner Stone made a motion to adjourn the executive session and return to open meeting. Motion carried.

Special Considerations #22-006, #22-007, #22-008 and #22-010

**MOTION:** Commissioner Gamblin made a motion to approve the exemption requests for #22-006, #22-007, #22-008 and #22-010. Motion carried.

Special Consideration #22-009

**MOTION:** Commissioner Gamblin made a motion to decline #22-009 due to the candidate not having the minimum experience and education as delineated in Idaho license law. Motion carried.

Special Consideration #22-011

**MOTION:** Commissioner Gamblin made a motion to deny #22-011 due to lack of current requisite experience in Idaho and/or education in Idaho and the brokerage industry of late. Motion carried.

### **Adjournment**

With no further comments, Commission Chair Johnston adjourned the meeting at 3:45 p.m. MT.

05/17/22rb