



State of Idaho  
Division Of Occupational and Professional Licenses  
Idaho Real Estate Commission

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**Minutes of 12/05/2022**

<b>Board Members</b>	Kim Cooper, Chair	<b>Division Staff:</b>	MiChell Bird, Executive Officer
<b>Present:</b>	Jill Stone, Vice-Chair		Lea Kear, Legal Counsel
	Michael Johnston		Melissa Ferguson, Cur. & Exam Prog. Super.
	Elizabeth Hume		Don Morse, Investigation Supervisor
	Martin Espil		Carlotta Zito, Board Support Specialist

The meeting was called to order at 9:00 AM by Kim Cooper.

**DIVISION BUSINESS**

**Respectful Workplace Training:** A PowerPoint presentation on Respectful Workplace was presented.

**APPROVAL OF MINUTES**

Motion was made to approve the 10/04/2022 meeting minutes. Motion carried unanimously.

**COMMISSION BUSINESS**

**Licensing Process Update:** An update on the licensing process was provided.

**Licensing Reports:** The Licensing reports were provided.

**Education Report:** The Education report was provided.

**Civil Penalty (CP) Fine Review and Continuing Education (CE) Audit Data Reports:** The CP Fine Review and CE Audit Data reports were provided.

**CP Fine Fee Structure Proposal:** A proposal on the CP fine fee structure was presented. A motion was made to approve the Joint Education & Investigations Proposal for Late Continuing Education and Late Errors & Omissions Insurance Violations with the following changes: Second offense to be a \$250 fine; third offense escalate to the Investigations Department; no fourth or fifth offenses; change to remote instruction by staff and review with instructors at IDW; and Milestone 8, move implementation to April 1, 2023 with all other milestones adjusted to fit the new deadline. Motion carried unanimously.

**CE Audit Policy:** The Policy was reviewed. A motion to approve the CE Audit policy as written with one change, add the Managing Broker to receive a copy of the *Notice of CE Audit* letter. Motion carried unanimously.

**CP Fine Money Project Update:** An update on the CP Fine Money Project was provided. A motion was made to accept the CP Fine Projects and Cost Distribution with the exception of the Discipline Course Instructor contract fee of \$500 as this will be instructed by Staff. Motion carried unanimously.

**Guideline 14: Disputed Earnest Money:** The Guideline was reviewed. A motion was made to approve Guideline 14 as presented with one change, replace the verbiage on the first line of the first paragraph from “An increasing number” to “Many brokerages”. Motion carried unanimously.

## **ENFORCEMENT**

**Probable Cause (PC) Memo:** PC Memos #2022-167 and 2022-169, as well as 2022-74 and 104 were presented. With no action item on the agenda, the PC Memos were tabled until the January 2023 meeting.

## **EXECUTIVE SESSION**

**Motion to Enter Executive Session:** A motion was made that the Commission enter into executive session under Idaho Code § 74-206 (1)(d) to consider records that are exempt from disclosure under the Public Records Act, Idaho Code § 74-106 (9). Roll call: Kim Cooper-yes, Jill Stone-yes, Elizabeth Hume-yes, Michael Johnston-yes, and Martin Espil-yes. Motion carried unanimously.

**Motion to Leave Executive Session:** A motion was made to leave Executive Session. Motion carried unanimously.

## **MOTION(S) RE: EXEMPTION/SPECIAL CONSIDERATIONS**

**Case #22-021:** Motion was made to grant exemption to #22-021. Four ayes, one nay, motion carried.

**Case #22-029:** Motion was made to grant exemption to #22-029. Motion carried unanimously.

## **ADJOURNMENT**

With no further business, the meeting adjourned at 11:46 AM