

The Real Estate

COMMENTS FROM THE CHAIR

Recent Hot Topics

by Steve Kohntopp, Commission Chair



Steve Kohntopp

Errors & Omissions Insurance

Cost effective or unnecessary?

One of the "Hot Topics" debated recently is whether Idaho should have mandatory Errors & Omissions (E&O) insurance. Is it a necessary protection for the licensee and consumer or should it be abolished?

First, let's look at the cost and the coverage for you, the licensee. Currently, the Commission's contracted E&O insurance policy costs \$135 on an annual basis. It pays up to a \$100,000 maximum for all damages from the same or related negligent acts, errors or omissions per licensee, but defense costs are not included within the limit of the liability and are paid by the carrier in addition to the limit.

In the event that judgments or settlements apply to more than one insured licensee, each such insured licensee shall be provided coverage up to \$100,000.

The annual aggregate limit is \$300,000. This simply means the most

the insurance provider will pay for each insured licensee for all damages combined in any one annual period is \$300,000.

Excess claims or higher limits are available on an underwritten basis for an additional fee for those real estate firms domiciled in Idaho. Additional coverage such as *Regulatory Complaints Endorsement, Environmental Endorsements, Fair Housing Act Endorsements, and a Conformity Endorsement* are also available at an additional cost.

No E&O insurance carrier will cover an agent who is convicted of fraud nor can you be covered on property you purchase. Idaho law does not specify that a brokerage must purchase the Commission bid policy. Licensees are free to obtain E&O Insurance from any provider so long as it meets the minimum coverage requirement.

The September 11, 2001, disaster caused most insurance companies to take a huge hit due to large claims and low interest returns on their investments. Unfortunately, two years later, things are still tough. Have you obtained an E&O quote as an independent business? Try it to see what cost benefits you really do have under the umbrella of a group bid. You'll be shocked!

The Commission will be working with the Idaho Association of REALTORS® to further review the mandated E&O Insurance program, as well as the proposed NAR self-funded E&O program. You have our guarantee that

we will continue to explore what is best for you the licensee, as well as the public.

Blue Brochure & More


The famous blue brochure doesn't have to be blue anymore! Fax it, copy it, print it off our website, just ensure it is legible and current.

Assigned Agency

In conjunction with the Idaho Association of REALTORS® and many others, we have agreed to an agency change that will give you another alternative in dealing with in-house transactions. The designated broker *may* allow agency to be assigned to the selling and listing agents, with one as an assigned agent of the seller and another to be the assigned agent of the buyer. The broker must remain a limited dual agent. Remember this is only an option.

Fine Monies

Another part of the Commission's legislative package is a proposal that all civil penalty fine monies be used to develop and deliver real estate education to benefit Idaho licensees.

These proposals will be a part of the Commission legislative package which must be voted into law in the 2004 session. The complete bills are available on the Commission's website. 

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The Real Estate

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2004 Legislative Proposals

by Donna M. Jones, Executive Director



Donna Jones

The Commission is proposing three bills for the January 2004 session of the Idaho Legislature. You may read these proposals in the "What's New" section of our website at:

www.idahorealestatecommission.com

Disposition of Disciplinary Fine Monies Bill

This bill is in response to concerns raised last year with the appropriate dedication and use of the disciplinary fine monies collected by the Commission. A consensus of industry representatives and the Commission determined that such monies should not be used for the general public as a part of the State of Idaho General Fund, but should be used to benefit real estate licensees specifically, by providing education with the aim of decreasing licensee violations. This bill would require that all fine monies collected by the Commission of any disciplinary action, including the audit citation program, library fines, and insufficient fund charges be used exclusively for the development and delivery of real estate education for the benefit of Idaho licensees.

Continuing Education Housekeeping Bill


This year's "housekeeping" bill concerns matters emerging from the recent legislative and program development in the continuing education

arena. These are:

- 54-2023 (5): Provision allowing instructors to obtain continuing education credit hours for the continuing education courses they teach.
- 54-2018 (2): To codify existing rules concerning proof of compliance with continuing education requirements.
- To correct latent ambiguity within the text of 54-2023 (1) (b) to accurately reflect legislative intent that the increased continuing education requirement effective July 1, 2003, applies to an active license that is renewed after July 1, 2003.
- To provide that an application for instructor recertification may be denied if the applicant fails to meet the requirements of 54-2033 (2) (a), pertaining to professional discipline and criminal conduct.

Assigned Agency Bill

This bill responds to consumer demand by allowing a real estate brokerage to provide full services when representing both the buyer and the seller in the same real estate transaction. The statute currently allows a single brokerage to represent both the buyer and seller, with the written consent of the parties, but requires that such representation be "limited." This bill creates a new option for brokerages; it authorizes a broker to assign a different sales associate to represent each party, provided the broker has written consent of both parties and has developed an office policy to ensure that client confidences are not compromised. The designated broker would not be able to act as an assigned agent, but must remain a limited dual agent.

It is important to note that this option is just that, an *option*. 

Frequently Asked Questions

Question: If I am brokering a property that is being presented “as is, where is, and with all faults”, do I have to make any additional disclosures about the property?

Answer: Yes. If you know of an adverse material fact, or reasonably should have known about the issue, you still have an obligation to disclose it to the potential buyer. The buyer can certainly proceed with an “as is” transaction, but is entitled to know about the defects before deciding to purchase.

Question: An unlicensed assistant in my office disclosed confidential client information about my licensee’s seller to a potential buyer. Am I, as the designated broker, liable here?

Answer: Yes. As the designated broker, you are responsible for the actions of both the licensed and unlicensed people in your office. You must protect your client’s best interests, and maintain their confidences, even if it means restricting the personal assistant’s access to certain information, or replacing those people who cannot maintain confidences.

Question: One of the transactions I am brokering is going to close three days late. Is it alright to just let it close or should I get the signed extension? What is the big deal here, anyway?

Answer: While transactions close “a few days late” every day in this business, consider one recent caller to the Commission. Her Purchase and Sale Agreement had actually expired but was going to close a few days later. Her agent had not done any written extensions because this happens all the time. This time the seller was presented with an offer from a third source for thousands of dollars more than the original buyer was going to pay. The seller had every right to accept the offer because the first one had failed to close by the contract date. Do you really want to be the focus of this lawsuit?

Question: I understand the Commission doesn’t keep a record of my continuing education any longer. Who can I contact to find out if I have completed the required number of hours for renewal of my license?

Answer: The Commission expects licensees to keep track of the education they have completed for renewal and retain certificates of completion in their own files. If for any reason you do not have some or all of your certificates, you can contact the school who offered the course. The best course of action is to be sure you get a certificate each time you complete a course and keep all certificates in a spot you will remember when it comes time to tally up your continuing education hours for renewal, or provide proof in case of an audit.

Question: My office is holding earnest money funds for a client who has “disappeared.” What do I do with this money?

Answer: Idaho Statute refers to disposal of these funds in the “Unclaimed Property” law with regard to trust, investments, and escrow accounts. The Unclaimed Property section of the Idaho State Tax Commission is responsible for dealing with unclaimed funds. Any funds that have been held for a five-year dormancy period should be turned over to the State Tax Commission. Idaho’s unclaimed property law requires that businesses send written notices to owners

who have unclaimed property valued at more than \$50. Notice must be sent no more than 120 days before an unclaimed property report is filed with the Tax Commission.

The Internet provides an excellent tool to search for clients who may have moved since the last contact. A record of telephone calls, copies of letters, certified mail receipts, returned mail, etc., should be retained to document attempts to contact the client. If you have evidence the last known address is not valid and you cannot find a forwarding address, the property is considered unclaimed and you must report it to the state (if it is valued at more than \$50).

You can request a copy of reporting forms UP-1 and UP-2 from the Unclaimed Property Section of the Idaho State Tax Commission, P.O. Box 36, Boise, ID 83722-2240 or online at www2.state.id.us/tax/index.html. The online instructions for the forms are detailed and user-friendly. If you have questions about reporting requirements, you may contact the Tax Commission at 208-334-7623 or 1-800-972-7660, ext. 7623 or by emailing them at: holdersreport@tax.state.id.us.

Once the funds are turned over, the Tax Commission will attempt to contact the owner through current tax rolls and other means available to them. Notice of the unclaimed funds is provided to the public through the “Notice of Names of Person Appearing to be Owners of Abandoned Property” pub-

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Idaho’s Education Program Wins Two Awards!

The Idaho Real Estate Commission is the sole recipient of the **2003 Real Estate Continuing Education Program award** and the **2003 Instructor Development Education award** from the Association of Real Estate License Law Officials (ARELLO). ARELLO is a global, nonprofit association made up of entities involved in regulating the practice of real estate throughout Africa, Asia, Australia, Canada, Caribbean, Central America, South America, and the United States. 

COMMISSION GUIDELINES

A few guidelines have recently been revised, and all are available on the Commission's website.

#21 Telephone Solicitation

Introduction

The Idaho Real Estate Commission is often asked whether or not an unlicensed person can perform telemarketing services on behalf of a licensee. Most often, licensees want to employ the services of unlicensed assistants or telemarketing firms, from in or out of state, to make unsolicited telephone calls to the residential phones of persons whose listings have expired recently, persons who live in a neighborhood where homes are selling well, or persons who currently have their houses offered for sale by owner (FSBO's). In addition, licensees often conduct their own "cold calls" to such individuals, whereby they attempt to sell their listing services or obtain appointments to make a listing presentation. The same types of solicitation can occur with potential buyers.

Issues

According to the law(s):

1. Unlicensed persons: Can a person, without first obtaining an Idaho real estate license, make telephone solicitations to secure listings or appointments to make listing presentations on behalf of a licensee?

2. Licensees: Are licensees who make the type of calls described above, on their own behalf, or on behalf of their brokerage, affected by either the *Idaho Real Estate License Law and Rules*, the *Idaho Telephone Solicitation Act*, or the federal *Telephone Consumer Protection Act (TCPA)*? If so, how?

Discussion

A person in Idaho may not engage in the business of real estate without first obtaining a license (Section 54-2002, Idaho Code). Section 54-2004(29),

Idaho Code, defines a real estate broker:

A "Real estate broker" means and includes:

(a) Any person other than a real estate salesperson, who, directly or indirectly, while acting for another, for compensation or a promise or an expectation thereof, engages in any of the following: sells, lists, buys, or negotiates, or offers to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others.

(b) Any actively licensed broker while, directly or indirectly, acting on the broker's own behalf;

(c) Any person who represents to the public that the person is engaged in any of the above activities;

(d) Any person who directly or indirectly engages in, directs, or takes any part in the procuring of prospects, or in the negotiating or closing of any transaction which does or is calculated to result in any of the acts above set forth.

(e) "dealer in options as defined in this section."

It is the opinion of the Idaho Real Estate Commission that any person who, by telephone solicitations, attempts to secure listings or attempts to secure appointments for listing presentations to any individual, must first be licensed as a real estate broker or sales associate within the state of Idaho.

While the *Idaho Real Estate License Law and Rules* do not specifically address telephone solicitation of listings, general rules regarding listings, including agency disclosure, fairness, prohibition of misrepresentation, etc., would apply.

A licensee may engage in telemarketing. However, the licensee should be familiar with the state and federal laws applicable to such marketing activities.

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Commission Guidelines

1. Cancellation or Withdrawal of Listings (Rev. 7/00)
2. Out-of-state Real Estate Agents Acting in Idaho (Rev. 7/03)
3. Regular Employee Status Determination (Rev. 7/93)
4. (Reserved)
5. Disclosure of Transaction Fees When Required. (Eff. 5/03)
6. Guaranteed Sales Plans (Rev. 12/00)
7. Guidelines for "suspended" Brokers (Rev. 7/03)
8. Approved Escrow Holders (Rev. 7/03)
9. Terms under Which Rental or Lease Fees May Be Split with Nonlicensed Persons (Rev. 7/03)
10. Splitting Fees with Nonlicensed Persons Prohibited (Rev. 7/00)
11. Offices with Similar Business Names Operating at the Same Address (Rev. 7/00)
12. Offering Incentives to Potential Buyers (Rev. 7/03)
13. Licensed Idaho Resident with Nonresident Broker (Rev. 7/02)
14. Disputed Earnest Money (Rev. 10/02)
15. Establishing Real Estate Trust Accounts (Rev. 7/03)
16. Presentation of Multiple Offers by the Listing Agents (Rev. 7/00)
17. Use of Unlicensed Assistants and Office Staff (Rev. 1/02)
18. HUD Regulations on Referral Fees (Rev. 7/02)
19. Signatures and the Use of Counteroffer Forms (Rev. 7/00)
20. Nonagency (Rev. 7/02)
21. Telephone Solicitation (Rev. 7/02)
22. Auctioneers of Real Estate (Rev. 7/03)
23. (Reserved)
24. Licensees' Personal Transactions to Be Conducted Through the Broker with Whom He Is Licensed (Rev. 10/03)

(Guidelines from page 4)

The Idaho Telephone Solicitation Act.

Enacted in 1992, the *Idaho Telephone Solicitation Act* (Title 48, Chapter 10, Idaho Code) regulates telephone solicitation in Idaho, including solicitation by fax.

No Contact List. As of July 2000, the Act allows telephone subscribers to be placed on a “no solicitation contact list” maintained by the Attorney General, and then prohibits any “telephone solicitor” to make or cause to be made any “telephone solicitation” to any person on the list. (Section 48-1004A, Idaho Code.) However, the statute’s “no-contact list” prohibition applies only to calls made “for the purpose of asking, inducing, inviting, requesting, or encouraging the purchaser to purchase or invest in goods or services *during the course of a telephone call.*” See section 48-1002(10)(a). Thus, it appears a licensee is not prohibited from contacting persons on the no-contact list, so long as the licensee is not attempting to secure the listing or other agreement for services “during the course of the call.” (e.g., the call does not constitute a “telephone solicitation” if the purpose of the call is simply to gather information about the potential listing, inform the consumer of the licensee’s services, or make appointments to make a listing presentation.)

Unlawful Acts. Although the licensee may be able to contact persons on the no-contact list, the licensee may be subject to the Act’s “unlawful acts” prohibitions of section 48-1003, Idaho Code. Prohibited acts include: intimidation; refusal to hang up immediately upon request; misrepresentation of or failure to disclose material facts concerning the services being offered; and sending any unsolicited advertisement by fax. These restrictions apply to any telephone communication in which:

(i) a free gift, award, or prize is offered, or in which it is represented or implied that goods or services are offered below the regular price of the goods or services; and

(ii) a return telephone call is invited or the communication is followed up by a call to the purchaser by the telephone solicitor; and

(iii) it is intended during the course of the return or follow-up call with the purchaser that an agreement to purchase, or a purchase be made.

See sections 48-1002(10)(b) and 48-1003, Idaho Code.

Registration with the Attorney General. The Act also requires that telephone solicitors register with the Attorney General and provide certain notice of rights of cancellation. However, licensees are expressly exempted from these requirements. See Sections 48-1004 and 48-1005, Idaho Code.

The Federal Telephone Consumer Protection Act.

The federal *Telephone Consumer Protection Act* of 1991, (“TCPA”), 47 U.S.C. ‘227, and the regulations promulgated by the Federal Communications Commission (FCC) govern telephone solicitations and regulate the use of automatic telephone dialing systems, prerecorded or artificial voice messages, and telephone facsimile machines. These laws apply to ALL solicitors; there are no exemptions for real estate licensees. So brokers and sales associates contacting prospects must be familiar with the federal TCPA and its implementation by the Federal Communications Commission (FCC). These requirements for telephone solicitors include:

a. No calls to any person whose telephone number is on the National Do Not Call Registry maintained by the FCC; no calling within a given area code without first accessing the Regis-

try for the given area code and paying the appropriate fee for such access. (The annual fee is \$25 per area code, however, there is no charge for the first five (5) area codes accessed).

b. No calls to residences before 8:00 a.m. or after 9:00 p.m.;

c. No unsolicited advertisement can be made to facsimile machines without prior express consent of the recipient. The TCPA also prohibits the use or initiation of artificial or prerecorded voice calls in nearly all circumstances to any residential prospect;

d. Provide the name of the individual caller, the name of the company on whose behalf the call is being made, and the phone number or address at which the caller or company can be contacted;

e. Honor the requests of consumers who ask not to be called again by keeping, for ten (10) years, a written “do-not-call” list;

f. Create and maintain a written company policy, available on demand, for maintenance of a “do-not-call” list; if leaving a message, provide a phone number that the consumer can call to be placed on your company-specific do-not-call list. Train and inform personnel (both employees who might handle any record-keeping, and sales associates) about the federal TCPA, the company policy and the “do-not-call” list.

g. Must transmit caller ID information; may not block your phone number.

Conclusion

1. An unlicensed person cannot engage in telephone solicitations of any kind designed to procure buyers, list-

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Helpful Hints for CE:

- ✗ Take it early!
- ✗ Take the CORE every year
- ✗ Keep your Certificates
- ✗ Register using your licensed name (no nicknames unless your are licensed under that name)

(Guidelines from page 5)

ings, or appointments for listing presentations. Such activities require licensure.

2. Yes, the *Idaho Telephone Solicitation Act* and the federal *Telephone Consumer Protection Act* (TCPA) both impact any telephone solicitations (cold calls) made by licensees to prospective buyers and sellers. These statutes and

regulations generally do not affect communications with any persons with whom the licensee has prior permission to call or with whom he or she has an established business relationship. Licensees are more likely to be impacted by the TCPA in their day-to-day business activities. Due to the potential for private lawsuits and penalties for failure to comply with either law, licensees are encouraged to consult their attorneys

and obtain further information prior to engaging in telemarketing.

Further information concerning the TCPA (15 U.S.C. 6101–6108) and the Rules of the Federal Communication Com(16 CFR 310) may be found through the FCC website: <http://www.fcc.gov/cgb> or from the FCC at FCC Consumer & Governmental Affairs Bureau, 445 12th Street, SW, Washington D.C., 20554.

#24 Licensee's Personal Transactions to Be Conducted Through the Broker with Whom He Is Licensed

Under the new laws that went into effect July 1, 2003, all active licensees are now required to conduct their personal real estate transactions through the broker with whom they are licensed, regardless whether the property is listed. See section 54-2055(3), Idaho Code.

The law states:

54-2055. LICENSEES DEALING WITH THEIR OWN PROPERTY.

(1) Any actively licensed Idaho broker, sales associate, or legal business entity shall comply with this entire chapter when that licensee is buying, selling or otherwise acquiring or disposing of the licensee's own interest in real property in a regulated real estate transaction.

(2) A licensee shall disclose in writing to any buyer or seller that the licensee holds an active Idaho real estate

license, if the licensee directly, indirectly, or through a third party, sells or purchases an interest in real property for personal use or any other purpose; or acquires or intends to acquire any interest in real property or any option to purchase real property.

(3) Each actively licensed person buying or selling real property or any interest therein, in a regulated real estate transaction, must conduct the transaction through the broker with whom he is licensed, whether or not the property is listed.

This Guideline attempts to answer several questions that have arisen as to the requirements of the licensee who conducts his personal transactions through his brokerage.

Question: Must the licensee enter an Agency Representation Agreement with his brokerage?

Answer: No. Although the licensee is required to conduct his personal transactions through his brokerage, he and the brokerage are NOT required to enter into a written agreement for agency representation. An individual licensee buying or selling property is necessarily acting on his own behalf. However, whether the *brokerage* agrees to represent the licensee and act as his agent is a decision left to the brokerage and its licensee, and is not required by the law.

The law permits the brokerage and the licensee to enter into a written agreement for agency representation, in which case the brokerage will owe its licensee, for that transaction, those duties owed a client under section 54-2087, Idaho Code. Absent a written agreement for agency representation, the relationship of the brokerage to the licensee in the transaction is that of a "non-agent" to a "customer." Whatever brokerage relationship is chosen, it must be indicated accurately in the Representation Confirmation (check the box) section of the Purchase and Sale Agreement. And, of course, the licensee is always required to make written disclosure of the fact that he is actively licensed.

Question: Must the licensee give himself the Agency Disclosure Brochure?

Answer: No. Complying with the License Law does NOT require that the licensee give himself a copy of the Agency Disclosure Brochure. This requirement, contained in Section 54-2085(1), Idaho Code, does not apply where the "prospective buyer or seller" is an active Idaho licensee.

Questions have also arisen as to which transactions fall within the scope of subsection 3, requiring that the transaction be run through the broker with

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In Memory...

The Idaho Real Estate Commission extends their sympathies to the families of:

Deanna Brokaw, Meridian
Larry Brunelle, Boise
Thomas Carstarphen, Everett, WA
Marvin Dike, Coolin
Dallas Elam, Caldwell
Lawrence Flagg, Carmel, CA
Stephanie Young, Boise

Your Next License Renewal Could Be “On The House”

BOISE—Nov. 24, 2003—If your real estate license expires in 2004, you might want to think twice about renewing through the mail. That’s because the Idaho Real Estate Commission (IREC) and the state of Idaho’s official web portal, Access Idaho, are offering you the chance to win a free real estate license renewal via the Internet.

Renew online for a chance at a free license renewal!

Entering is as easy as renewing online. Simply visit the IREC homepage at www.idahorealestatecommission.com, click the “Licensing Forms and Online Services” link, select the “Online Licensing Services” link, and then click the “IREC’s online services” link. After logging in with your date of birth and the last four digits of your social security number, click the “License Renewal” link and follow the instructions.


By renewing online, you will be automatically entered into one of two drawings for a free license renewal (up to a \$220 value). If you are renewing an

active license you can double your chances. By successfully printing your active license online, your name will automatically be entered a second time. If your name is selected, your most recent license renewal fees will be rebated fully.

The first winner will be selected in August 2004 by a drawing from the pool of licensees who successfully renew online from Jan. 1, 2004, through July 31, 2004. The second winner will be chosen in January 2005 by a drawing from the pool of licensees who successfully renew online between August 1, 2004, through December 31, 2004. **Only licenses renewed online are eligible.**

In addition to license renewals, IREC’s secure interactive portal allows real estate companies and professionals to view education records, perform public license searches, register for Commission-approved courses, edit personal and company records,

print licenses, and purchase duplicate licenses.

For more information about the license renewal giveaways, contact Neal Bernklau at 334-3285 ext. 227; (toll free within Idaho 866-447-5411), or nbernkla@irec.state.id.us. 

Continuing Education Audits

In FY03, staff audited 431 of 2,580 license renewals.

Over 93% of the audited renewals were found to be in compliance. The other 7% were turned over to the Commission’s Enforcement Department resulting in five “Staff Letter of Reprimands” and 12 “Formal Reprimands” with fines and cost and attorney fees.

(Q&A from page 3)

lished in local newspapers and on the Tax Commission website.

Question: What if these funds are in the form of a check that hasn’t been cashed?

Answer: The first step would be to attempt to contact the payee and request that the check be cashed immediately. If the check has been outstanding for a long period of time, the bank may not honor the check. In this case, the payee should return the old check. The check should be voided, the voided check retained in the broker’s trust account records, and the old check replaced with a new check. If the payee indicates the check has been misplaced, discuss with your bank whether a stop payment is necessary before issuing a replacement check. Document the de-

tails of any action taken on the appropriate trust account ledger sheet and in the trust account check register.


If the payee cannot be located, the pertinent ledger sheet should be reinstated showing the earnest money funds as unclaimed. The procedure for unclaimed earnest money would then be followed.

The simplest way to avoid this situation is to monitor outstanding checks and make contact with the payee if the check has been outstanding for more than 30-45 days. As time passes, the likelihood will increase that the payee has moved or will not be able to find the uncashed check. A few minutes of preventative action may save hours of work later.

Question: As a sales associate, sometimes it isn’t convenient to deliver paperwork and earnest money

to the office until a few days after the offer has been accepted. Is that okay?

Answer: Most license law statutes are directed toward the designated broker. However, Idaho statute 54-2045(4) states: “All consideration, including cash, checks held in uncashed form and promissory notes, received by a sales associate in connection with a real estate transaction shall be immediately delivered to the broker or the broker’s office.” The onus for prompt delivery falls on the sales associate. Ask your broker how he/she defines “immediately.”

From a practical standpoint, the broker’s office is equipped for safekeeping of paperwork and earnest money. Delivering documents and earnest money to the broker’s office relieves the sales associate of security concerns. 

Where Are We and Where Do We Go From Here?

by Beckie Kukal, Education Council Chair



Beckie Kukal

In an article written by Pam Trees not too long ago she made mention of how we often get so caught up in life's ordinary routines that we almost forget what change is like. While this may be true on a daily basis, I think that the last two years has certainly been a season of change for the Education Council.

When the Education Council began to consider the restructuring of the Continuing Education Program, I think everyone was a bit concerned as to how it would all work. But with time and patience we have moved one step closer to what we all hope will be an easier way to higher and improved education. We also hoped that it would make it easier to pick up those credits in a distance learning situation and increase the types and ways in which courses are available.

We have been extremely busy for the last two years restructuring the entire Essentials and Practices courses (Module I and Module II). This was done with a lot of long hours and hard work by past Chair Gene Galloway and member Gail Heist under the guidance of Education Director Jill Randall. I think the finished product is something that we are all very proud of and are confident that it will improve the entire course. Our hope is that each student will have a general working knowledge of all facets of the real estate profession when the course is completed. We are anxiously awaiting the results from the first courses taught under the new curriculum.

There is an awesome website www.idahorealestatecommission.com

for just about any information you might need to know. My personal favorite is the link that allows you to track certified Continuing Education Courses. I have used it on numerous occasions.

I think that the one program that I am most excited about is our annual Train the Trainer Workshop. Originally, this course was designed specifically for instructors but over the last couple of years the material has been expanded to include information for the entire industry with a recent focus on computer

related courses. The courses are excellent and the instructors are nationally recognized. I think it is safe to say that anyone who has attended one of these workshops feels like it was time and money well spent. Mark your calendar for May 18-19, 2004, and join us!

As the New Year rapidly approaches I look back at all the strides we've made in the last four years. Where do we go from here? There is talk of "single licensure". There is on-going legislation for any number of items at any given time. Only time will tell. 🏠

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The Lesser-Known Continuing Education Options

by Jill Randall, Education Director

Many of you may remember the original CE program mandated for all licensees. Regardless of your real estate specialty (i.e. commercial, rural, residential), you were required to complete the same 12-hour program. We have come a long way!

Now under the segmented Core/Elective program, licensees are able to choose courses based upon their individual needs. Even more exciting are the most recent continuing education law changes. Under Idaho Code 54-2023[5][e], the Commission will now *automatically accept* CE from the following:

A national real estate professional designation course

- ◆ The course must be a mandatory or elective course required in order to earn the designation.

- ◆ The designation must come from a nationally recognized real estate professional organization.

- ◆ Examples: Certified Residential Specialist (CRS) from the Council of Residential Specialists; Graduate Realtor Institute (GRI) from the National Association of REALTORS®; Certified Commercial Investment Member (CCIM) from the Commercial Investment Real Estate Institute.

CE course approved by another state for real estate licensing in approved real estate topics

- ◆ The state's licensing authority must have given the approved course provider an official course approval, typically verified with a course approval number. This number should be on the course certificate that will be issued to the student (you). The course approval must be verifiable from the state's licensing authority.

- ◆ The course you complete must be acceptable for CE in the other state, as if you held a real estate license in that state.

- ◆ The overall course topic must be focused on one or more of the approved real estate topics from Rule 402.

- ◆ Example: A course approved

by Washington Department of Real Estate on the topic of Fair Housing.

Course approved for other professional licensing (i.e. Appraisers, Law) in approved real estate topics


- ◆ The state's licensing authority (Idaho or otherwise) must have given the approved course provider an official course approval, typically verified with a course approval number. This number should be on the course certificate that will be issued to the student (you). The course approval must be verifiable from the state licensing authority.

- ◆ The course you complete must be acceptable for CE by a professional

licensing entity, as if you held that professional license.

- ◆ The overall course topic must be focused on one or more of the approved real estate topics from Rule 402.

- ◆ Example: a course approved for attorney continuing legal education on the topic of Property Mold Disclosure.

The examples listed here are just the tip of the iceberg. For more information, check out the Commission's website course schedule. If you have any questions about continuing education, please contact the Commission office. 

Prelicense Instructor Needed In Eastern Idaho!

A wise person once told me that if I wanted to learn something, I should teach it. Stephen Covey also suggests that the way to internalize an idea, habit, or principle is to share it with someone.

Now more than ever, opportunity exists for people to share their special talents with others. Eastern Idaho Technical College and other real estate course providers around the state are looking for experienced real estate professionals to share their knowledge with others. To meet this need, the Idaho Real Estate Commission is accepting applications from people interested in teaching sales prelicense classes.

There are many benefits to teaching including the following:


- ☆ **Recognition:** Individuals gain recognition not only within the college, university or proprietary school, but also within the professional community. This can be a significant asset to one's

career or consulting skills!

- ☆ **Personal Reward:** Many instructors enjoy the satisfaction of giving back to the profession through teaching.

- ☆ **Support:** The Real Estate Commission provides standard curriculum outlines, PowerPoint, and other resources. There are also instructor development opportunities available such as the Commission's annual Train the Trainer Workshop and License Exam Workshops.

- ☆ **Pay:** Providers work directly with instructors for compensation.

If this sounds interesting to you, contact Jill Randall, Education Director, at 208-334-3285 ext. 234, or toll-free in Idaho at 866-447-5411. Complete Instructor Certification information is also available on the Commission's website, www.idahorealestatecommission.com/edcorner/index.html 

Supply Order Form

Rev. 6/03

Purchase Information

Real estate publications that are listed as “free” can be ordered by mail, fax, phone, e-mail, or in person. Publications requiring payment must be ordered by mail or in person. Here’s how to order:

- **By Mail:** Mail the completed form with the proper fee.
- **By Fax:** For free publications ONLY, fax the completed form to 208-334-2050.
- **By Phone:** For free publications ONLY, call our library at 208-334-3285 ext. 223 or 866-447-5411 ext. 223 toll free within Idaho.
- **By e-mail:** For free publications ONLY, e-mail jhumphre@irec.state.id.us
- **In Person:** Bring this completed form to 633 N. 4th St., Boise.

Acceptable Payment Methods:

- Personal Check
- Cashier’s Check
- Money Order
- Cash (in person and only for exact amount)

Make checks payable to:

Idaho Real Estate Commission (IREC)
Attn: Library
P.O. Box 83720
Boise, ID 83720-0077

Miscellaneous Information

- Prices are subject to change
- Orders received without sufficient payment will be returned
- All sales are final
- Allow 2-4 weeks for delivery
- Most publications & materials are available at no charge to download from the Commission’s website at www.idahorealestatecommission.com

Refund Policy

Because of rising costs associated with issuing a refund, it is the policy of the Idaho Real Estate Commission to refund overpayments of under \$25 only if requested in writing within 30 days of the Commission’s receipt of the overpayment.

Overpayments of \$25 or more will be automatically refunded to the licensee. There will be a \$15 fee assessed for each check returned to the Commission for insufficient funds.

PART A: Material Requested		Cost	Quantity	Subtotal	
2003 License Law & Rules Book		\$1.88			
Agency Law In Idaho Brochure (25/pkg)	<input type="checkbox"/> Spanish	1-4 pkg	\$5.94ea		
	<input type="checkbox"/> English	5-9 pkg	\$4.46ea		
		10+ pkg	\$2.97ea		
Business Conduct & Office Operations <i>correspondence course</i>		\$18.87			
Buyer Brokerage 4-hr CE elective <i>outline</i> (does NOT include exam)		\$4.70			
C2003 Continuing Education Core tape <i>purchase</i> . (Includes 1 copy of outline, but does NOT include exam)		Video VHS	\$60.00		
		Audio Cass.	\$60.00		
		Audio CD	\$60.00		
		Video DVD	\$60.00		
		Outline	\$5.00		
Candidate Handbook		Free			
Consumer Brochure		Free			
Guidelines: Guideline number/title _____		Free			
Investigative & Hearing Process Brochure		Free			
License Manual		Free			
<i>The Real Estatement</i>		Free			
PART B: Shipping Information			Subtotal		
			6% Tax		
			Total		
Name		If your organization is tax exempt, you must include a copy of your tax-exempt form.			
Business Name & Address					
City	State				Zip
Phone	Fax				
E-mail					

Course Schedules *January-June 2004*

Sales Prelicense

Real estate education is required for a salesperson's license. This 90-hour course is designed for the beginner in real estate who has little, if any, previous knowledge in the field. Completion of both modules, in order, will satisfy the educational requirements for a salesperson's license. Specific information concerning education requirements for licensure can be found in the Idaho Real Estate License Manual. **To register for a course, contact the provider.**

Sales Prelicense Module I (45 hours)

Dates	Time	Phone #	Provider/Location	Cost	Instructor
Correspondence (FIN C201 Fund. of RE)		208-885-6641	UofI/ISO	\$300	Loegering
Correspondence (RE305x3 credit)		509-335-3557	WSU	\$495	Crellin
Online (Real Estate & Urban Economics)		307-766-4199	UofWy	\$420	Sunderman
Jan. 5-9, 12-14	8:30am	208-327-0768	Exec/Boise	\$275	Jonas
Jan. 5-Feb. 11	6pm	208-377-4300	Pioneer/Boise	\$275	Townsend
Jan. 5-9, 12	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Jan. 7-9, 12-14	8am	208-377-9247	AREC/Boise	\$275	Heist
Jan. 7-8, 12-13, 15-16	8am	208-769-3444	NIC/Post Falls	\$249	Hatch
Jan. 12-May 13	6pm	208-377-9247	AREC/Boise	\$40	Loegering
Jan. 15-24	8am	208-524-3000	EITC/Idaho Falls	TBA	TBA
Jan 22-24, 29-31	8am	208-223-4733	CSI/Twin Falls	\$338	Jonas
Feb. 2-6, 9	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Feb. 4-6, 9-11	8am	208-377-9247	AREC/Boise	\$275	Heist
Feb. 13-27, Mar. 1	8am	208-282-3372	ISU/Pocatello	\$215	Galloway
Feb. 16-Mar. 24	6pm	208-377-4300	Pioneer/Boise	\$275	Igel
Mar. 1-5, 8	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Mar. 3-4, 8-9, 11-12	8am	208-769-3444	NIC/Post Falls	\$249	Hatch
Mar. 3-5, 10-12	8am	208-223-4733	CSI/Hailey	\$338	Clifton
Mar. 3-5, 8-10	8am	208-377-9247	AREC/Boise	\$275	Heist
Mar. 6, 13, 20, Apr. 3, 10, 17	8am	208-327-0768	Exec/Boise	\$275	Jonas
Mar. 29-31, Apr. 1, 2, 6	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Mar. 29-Apr. 5	8am	208-377-4300	Pioneer/Boise	\$275	Igel
Mar. 31, Apr. 1-2, 5-7	8am	208-377-9247	AREC/Boise	\$275	Heist
Apr. 26-28, 30, May 3	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Apr. 28-30, May 3-5	8am	208-377-9247	AREC/Boise	\$275	Heist
May 2-4, 6-7, 11-12	8am	208-769-3444	NIC/Post Falls	\$249	Hatch
June 1-4, 7-8	8am	208-377-4300	Pioneer/Boise	\$275	Byers
June 2-4, 7-9	8am	208-377-9247	AREC/Boise	\$275	Heist

Sales Prelicense Module II (45 hours)

Dates	Time	Phone #	Provider/Location	Cost	Instructor
Jan. 6-Feb. 12	6pm	208-377-4300	Pioneer/Boise	\$275	Igel
Jan. 13-16, 19-20	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Jan. 15-16, 19-22	8am	208-377-9247	AREC/Boise	\$275	Heist
Feb. 2-6, 9-11	8:30am	208-327-0768	Exec/Boise	\$275	Jonas
Feb. 2-3, 5-6, 9-10	8am	208-769-3444	NIC/Post Falls	\$249	Hatch
Feb. 5-14	8am	208-524-3000	EITC/Idaho Falls	TBA	TBA
Feb. 10-13, 16-17	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Feb. 12-14, 19-21	8am	208-223-4733	CSI/Twin Falls	\$338	Jonas
Feb. 12-13, 16-19	8am	208-377-9247	AREC/Boise	\$275	Heist
Feb. 17-Mar. 25	6pm	208-377-4300	Pioneer/Boise	\$275	Townsend
Mar. 9-12, 15-16	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Mar. 11-12, 15-18	8am	208-377-9247	AREC/Boise	\$275	Heist
Mar. 26, 29, Apr. 2, 5, 9, 12	8am	208-282-3372	ISU/Pocatello	\$215	Galloway
Mar. 30-May 6	6pm	208-377-4300	Pioneer/Boise	\$275	Learned
Apr. 6-9, 12-13	8am	208-377-4300	Pioneer/Boise	\$275	Byers
Apr. 7-9, 13-14, 16	8am	208-769-3444	NIC/Post Falls	\$249	Hatch
Apr. 8-9, 12-15	8am	208-377-9247	AREC/Boise	\$275	Heist
Apr. 14-16, 21-23	8am	208-223-4733	CSI/Hailey	\$338	Clifton
May 4-7, 10-11	8am	208-377-4300	Pioneer/Boise	\$275	Byers
May 6-7, 10-13	8am	208-377-9247	AREC/Boise	\$275	Heist
May 11-Jun 17	6pm	208-377-4300	Pioneer/Boise	\$275	Tracy
June 2-4, 7-8, 10-11	8am	208-769-3444	NIC/Post Falls	\$249	Hatch
June 9-11, 14-16	8am	208-377-4300	Pioneer/Boise	\$275	Byers
June 10-11, 14-17	8am	208-377-9247	AREC/Boise	\$275	Heist

Broker Courses

Four additional courses of at least 90 hours of advanced approved real estate education is required for a broker's license. Specific information concerning educational requirements for licensure can be found in the Idaho Real Estate License Manual. These courses are also approved for elective continuing education credit. **To register for a course, contact the provider.**

Brokerage Management (30 hours)

Required course for broker's license. Intended to help a person understand how to set up and run a real estate brokerage office and emphasizes the application of management techniques required for the brokerage operation.

Date	Time	Phone #	Provider/Location	Cost	Instructor
Feb. 23-26	8am	208-377-4300	Pioneer/Boise	\$250	Jonas, D.
May 13-14, 20-21	8am	208-223-4733	CSI/Twin Falls	\$260	Jonas, D.
June 6-9	8am	208-524-3000	EITC/Idaho Falls		TBA

Finance (30-45 hours)

Elective course for a broker's license. Designed as an introduction to real estate financing and includes a study of the sources and application of funds, the financial instruments commonly used, institutional structures and policies, and loan processing. Each student must be familiar with a financial calculator prior to enrolling.

Date	Time	Phone #	Provider/Location	Cost	Instructor
Correspondence (BUS C262)		208-885-6641	Uofl-ISO	\$300	Hatch
Jan. 17, 19-21	8am	208-769-3444	NIC/Post Falls	\$249	Hatch
Feb. 19-20, 26-27	8am	208-223-4733	CSI/Twin Falls	\$260	Clifton, M.
June 21-24	8am	208-377-4300	Pioneer/Boise	\$250	Clifton, M.

Law (30-45 hours)

Required course for broker's license. Designed for the real estate professional as a course in the general principles of law governing the interest in real estate, and to acquaint the student with how the law works, but is not intended to be a substitute for competent legal counsel.

Date	Time	Phone #	Provider/Location	Cost	Instructor
Correspondence (BUS 263)		208-885-6641	Uofl-ISO	\$300	Felton
Jan. 26-29	8am	208-377-4300	Pioneer/Boise	\$295	May, Justin
Mar. 4-5, 11-12	8am	208-223-4733	CSI/Twin Falls	\$260	May, J.D.
Mar. 19-20, 26-27	8am	208-769-3444	NIC/Post Falls	\$249	Marfice

Valuation and Analysis (30-45 hours)

Elective course for a broker's license. An introductory course covering the purpose of appraisals, the appraisal process and the different approaches, methods, and techniques used to determine the value of various types of property.

Date	Time	Phone #	Provider/Location	Cost	Instructor
Apr. 8-9, 14-16	8am	208-334-3285	CSI/Twin Falls	\$260	Nelson, B.
Apr. 19-22	8am	208-334-3285	Pioneer/Boise	\$250	Stoltz, R.

Other Courses

Business Conduct & Office Operations (4 hours)

Designed for brokers, sales associates, secretaries, bookkeepers, and other related personnel, this course acquaints them with the current laws, rules and procedures governing the handling of client funds, brings participants up-to-date on changes in the laws, rules and procedures governing the handling of client funds, and assists real estate firms in developing good record keeping and business practices. This course is approved for elective continuing education credit.

Date	Time	Phone #	Provider/Location	Cost	Instructor
Correspondence	n/a	208-334-3285	IREC	\$20	Staff
January 9	8:30am-12:30pm	208-334-3285	IREC/Caldwell	\$20	Mesaros
February 2	8:30am-12:30pm	208-377-9247	AREC/Boise	\$40	Heist
February 27	8:30am-12:30pm	208-334-3285	IREC/Moscow	\$20	Mesaros
March 19	8:30am-12:30pm	208-377-9247	AREC/Boise	\$40	Heist
March 26	8:30am-12pm	208-334-3285	IREC/McCall	\$20	Mesaros
April 16th	8:30am-12:30pm	208-377-9247	AREC/Boise	\$40	Heist
April 16th	8:30am-12:30pm	208-334-3285	IREC/Idaho Falls	\$20	Mesaros
May 13	8:30am-12pm	208-334-3285	IREC/Coeur d'Alene	\$20	Mesaros
May 14	8:30am-12:30pm	208-377-9247	AREC/Boise	\$40	Heist
June 11	8:30am-12:30pm	208-334-3285	IREC/Twin Falls	\$20	Mesaros
June 18	8:30am-12:30pm	208-377-9247	AREC/Boise	\$40	Heist

Train the Trainer Workshop (various hours)

A fun, informative and practical workshop designed for real estate office trainers, real estate instructors, or anyone who wants to improve their adult teaching skills. Course provider and workshop administrators are encouraged to attend.

Date	Time	Phone #	Location	Cost	Instructor
May 18-19	8am-5pm	208-334-3285	IREC/Boise	TBA	TBA
June 20-23 (REEA Annual Conference)		407-834-6688	REEA/San Antonio, TX	TBA	Various

Continuing Education

*These courses are intended to keep the licensee abreast of changes in the real estate profession. For complete CE requirements, visit our website at www.idahorealestatecommission.com. **To register for a course, contact the provider.***

Name	Apprvl#	Hrs	Date	Phone #	Provider/City	Cost	Instruct
Business Conduct & Office Operations	BC001S	4	<i>corresp.</i>	208-334-3285	IREC	\$20	Staff
Buyer Brokerage	CE013E	4	<i>vid/aud</i>	208-334-3285	IREC	\$15	Staff
Buyer Representation in Real Estate	E0060	6	<i>online</i>	206-523-9801	CEO	\$45	Myers
Computaught ADA & Fair Housing	E0030	4	<i>online</i>	800-532-7649	REWeb	\$45	LaMere
Computaught Consensual Dual Agency	E0032	4	<i>online</i>	800-532-7649	REWeb	\$45	LaMere
Computaught Ethics in Real Estate	E0028	4	<i>online</i>	800-532-7649	REWeb	\$45	LaMere
Computaught Real Estate Math	E0031	4	<i>online</i>	800-532-7649	REWeb	\$45	LaMere
Ethics in Real Estate	E0061	6	<i>online</i>	206-523-9801	CEO	\$45	Myers
CE CORE 2003	C2003	4	<i>vid/aud</i>	208-334-3285	IREC	\$15	Staff
Real Estate Finance	FI001S	30	<i>corresp.</i>	208-885-6641	U of I-ISO	\$300	Hatch
Real Estate Law	LW001S	30	<i>corresp.</i>	208-885-6641	U of I-ISO	\$300	Hatch
Fair Housing, ADA, & Real Estate Agents	E0067	4	Jan. 9	208-769-3444	NIC/Post Falls	\$39	Hatch
CE CORE 2003	C2003	4	Jan. 9	208-769-3444	NIC/Post Falls	\$39	Hatch.
Understanding & Using RE Contracts	E0066	4	Jan. 10	208-769-3444	NIC/Post Falls	\$39	Albi
Commercial Real Estate-Listing Properties	E0080	8	Jan. 21	208-377-4300	Pioneer/Boise	\$65	Byers
CE CORE 2003	C2003	4	Jan. 22	208-377-4300	Pioneer/Boise	\$45	Byers
1031 Exchanges/New Home Construction	E0088	8	Jan. 23	208-377-4300	Pioneer/Boise	\$65	Hamilton
Real Estate Law	LW001S	30	Jan. 26-29	208-223-4733	CSI/Twin Falls	\$260	May, JD
CE CORE 2003	C2003	4	Jan. 28	208-377-9247	AREC/Boise	\$40	Heist
Risk Management	E0073	4	Jan. 28	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	Jan. 29	208-376-0363	ACAR/Boise	\$45	TBA
Introduction to Commercial Real Estate Sales	E0078	4	Jan. 29	208-377-9247	AREC/Boise	\$40	Heist
Buyer Brokerage	CE013E	4	Jan. 29	208-377-9247	AREC/Boise	\$40	Heist
Cracking the Code: Understanding Ethics	E0034	4	Jan. 30	208-376-0363	ACAR/Boise	\$45	TBA
CE CORE 2003	C2003	4	Jan. 30	208-377-9247	AREC/Boise	\$40	Heist
Business Conduct & Office Operations	BC001S	4	Feb. 2	208-377-9247	AREC/Boise	\$40	Heist
Real Estate Broker/Salesperson Liabilities	E0057	4	Feb. 5	208-769-3444	NIC/Post Falls	\$39	Albi
CE CORE 2003	C2003	4	Feb. 5	208-769-3444	NIC/Post Falls	\$39	Albi
Understanding & Using RE Contracts	E0066	4	Feb. 6	208-769-3444	NIC/Post Falls	\$39	Albi
Buyer Brokerage	CE013E	4	Feb. 11	208-769-3444	NIC/Sandpoint	\$39	Hatch
CE CORE 2003	C2003	4	Feb. 11	208-769-3444	NIC/Sandpoint	\$39	Hatch
Environmental Issues & Real Estate Practice	E0071	4	Feb. 12	208-769-3444	NIC/Sandpoint	\$39	Hatch
Real Estate Finance	FI001S	30	Feb. 19-27	208-223-4733	CSI/Twin Falls	\$260	Clifton
Commercial Real Estate-Listing Properties	E0080	8	Feb. 18	208-377-4300	Pioneer/Boise	\$65	Byers
CE CORE 2003	C2003	4	Feb. 19	208-377-4300	Pioneer/Boise	\$45	Byers
1031 Exchanges/New Home Construction	E0088	8	Feb. 20	208-377-4300	Pioneer/Boise	\$65	Hamilton
1031 Exchanges/New Home Construction	E0088	8	Feb. 20	208-377-4300	Pioneer/Boise	\$65	Barton.
Brokerage Management	BM001S	30	Feb. 23-26	208-377-4300	Pioneer/Boise	\$250	Jonas
Risk Management	E0073	4	Feb. 25	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	Feb. 25	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	Feb. 26	208-376-0363	ACAR/Boise	\$45	TBA
Buyer Brokerage	CE013E	4	Feb. 26	208-377-9247	AREC/Boise	\$40	Heist
Introduction to Commercial Real Estate Sales	E0078	4	Feb. 26	208-377-9247	AREC/Boise	\$40	Heist
Cracking the Code: Understanding Ethics	E0034	4	Feb. 27	208-376-0363	ACAR/Boise	\$45	TBA
CE CORE 2003	C2003	4	Feb. 27	208-377-9247	AREC/Boise	\$40	Heist
Real Estate Finance	FI001S	30	Mar. 4-12	208-223-4733	CSI/Twin Falls	\$260	Clifton
Americans with Disabilities & RE Practices	E0076	4	Mar. 5	208-769-3444	NIC/Post Falls	\$39	Hatch
CE CORE 2003	C2003	4	Mar. 5	208-769-3444	NIC/Post Falls	\$39	Hatch
Title Insurance and Closing Issues	E0097	4	Mar. 6	208-769-3444	NIC/Post Falls	\$39	Albi
Commercial Real Estate-Listing Properties	E0080	8	Mar. 17	208-377-4300	Pioneer/Boise	\$65	Byers
CE CORE 2003	C2003	4	Mar. 18	208-377-4300	Pioneer/Boise	\$65	Byers
Idaho Real Estate Commission Meeting	CM001S	3	Mar. 18	208-334-3285	IREC/Boise	\$0	N/A
Business Conduct & Office Operations	BC001S	4	Mar. 19	208-377-9247	AREC/Boise	\$40	Heist
1031 Exchanges/New Home Construction	E0088	8	Mar. 19	208-377-4300	Pioneer/Boise	\$65	Barton
1031 Exchanges/New Home Construction	E0088	8	Mar. 19	208-377-4300	Pioneer/Boise	\$65	Hamilton
CE CORE 2003	C2003	4	Mar. 24	208-377-9247	AREC/Boise	\$40	Heist
Risk Management	E0073	4	Mar. 24	208-377-9247	AREC/Boise	\$40	Heist
Buyer Brokerage	CE013E	4	Mar. 25	208-377-9247	AREC/Boise	\$40	Heist

(continued on page 14)

Continuing Education Courses (Continued)

Name	Apprv#	Hrs	Dates	Phone#	Provider/City	Cost	Instrctr
Introduction to Commercial Real Estate Sales	E0078	4	Mar. 25	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	Mar. 25	208-376-0363	ACAR/Boise	\$45	TBA
Cracking the Code: REALTOR® Ethics	E0034	4	Mar. 26	208-376-0363	ACAR/Boise	\$45	TBA
CE CORE 2003	C2003	4	Mar. 26	208-377-9247	AREC/Boise	\$40	Heist
Valuation & Analysis	VA001S	30	Apr. 8-16	208-223-4733	CSI/Twin Falls	\$260	Nelson
Fair Housing, ADA, & Real Estate Agents	E0067	4	Apr. 12	208-769-3444	NIC/Post Falls	\$39	Hatch
CE CORE 2003	C2003	4	Apr. 12	208-769-3444	NIC/Post Falls	\$39	Hatch
Real Estate Broker/Salesperson Liabilities	E0057	4	Apr. 13	208-769-3444	NIC/Post Falls	\$39	Albi
Commercial Real Estate-Listing Properties	E0080	8	Apr. 14	208-377-4300	Pioneer/Boise	\$65	Byers
Idaho Real Estate Commission Meeting	CM001S	3	Apr. 15	208-334-3285	IREC/Boise	\$0	N/A
CE CORE 2003	C2003	4	Apr. 15	208-377-4300	Pioneer/Boise	\$45	Byers
1031 Exchanges/New Home Construction	E0088	8	Apr. 16	208-377-4300	Pioneer/Boise	\$65	Barton
1031 Exchanges/New Home Construction	E0088	8	Apr. 16	208-377-4300	Pioneer/Boise	\$65	Hamilton
Business Conduct & Office Operations	BC001S	4	Apr. 16	208-377-9247	AREC/Boise	\$40	Heist
Valuation & Analysis	VA001S	30	Apr. 19-22	208-377-4300	Pioneer/Boise	\$250	Stolz
CE CORE 2003	C2003	4	Apr. 21	208-377-9247	AREC/Boise	\$40	Heist
Risk Management	E0073	4	Apr. 21	208-377-9247	AREC/Boise	\$40	Heist
Introduction to Commercial Real Estate Sales	E0078	4	Apr. 22	208-377-9247	AREC/Boise	\$40	Heist
Buyer Brokerage	CE013E	4	Apr. 22	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	Apr. 23	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	Apr. 29	208-376-0363	ACAR/Boise	\$45	TBA
Cracking the Code: REALTOR® Ethics	E0034	4	Apr. 30	208-376-0363	ACAR/Boise	\$45	TBA
CE CORE 2003	C2003	4	May 6	208-769-3444	NIC/Sandpoint	\$39	Albi
Real Estate Broker/Salesperson Liabilities	E0057	4	May 6	208-769-3444	NIC/Sandpoint	\$39	Albi
Title Insurance and Closing Issues	E0097	4	May 7	208-769-3444	NIC/Sandpoint	\$39	Albi
Environmental Issues & Real Estate Practice	E0071	4	May 10	208-769-3444	NIC/Post Falls	\$39	Hatch
CE CORE 2003	C2003	4	May 10	208-769-3444	NIC/Post Falls	\$39	Hatch
Understanding & Using RE Contracts	E0066	4	May 11	208-769-3444	NIC/Post Falls	\$39	Albi
Commercial Real Estate-Listing Properties	E0080	8	May 12	208-377-4300	Pioneer/Boise	\$65	Byers
CE CORE 2003	C2003	4	May 13	208-377-4300	Pioneer/Boise	\$45	Byers
Brokerage Management	BM001S	30	May 13-21	208-223-4733	CSI/Boise	\$260	Jonas
1031 Exchanges/New Home Construction	E0088	8	May 14	208-377-4300	Pioneer/Boise	\$65	Hamilton
Business Conduct & Office Operations	BC001S	4	May 14	208-377-9247	AREC/Boise	\$40	Heist
1031 Exchanges/New Home Construction	E0088	8	May 14	208-377-4300	Pioneer/Boise	\$65	Barton
Train the Trainer Workshop	E0001	12	May 18-19	208-334-3285	IREC/Boise	TBA	Various
CE CORE 2004 Pilot	C2004	4	May 19	208-334-3285	IREC/Boise	N/A	Various
Idaho Real Estate Commission Meeting	CM001S	3	May 20	208-334-3285	IREC/Boise	\$0	N/A
CE CORE 2003	C2003	4	May 24	208-377-9247	AREC/Boise	\$40	Heist
Risk Management	E0073	4	May 24	208-377-9247	AREC/Boise	\$40	Heist
Buyer Brokerage	CE013E	4	May 25	208-377-9247	AREC/Boise	\$40	Heist
Introduction to Commercial RE Sales	E0078	4	May 25	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	May 26	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	May 27	208-376-0363	ACAR/Boise	\$45	TBA
Cracking the Code: REALTOR® Ethics	E0034	4	May 28	208-376-0363	ACAR/Boise	\$45	TBA
Brokerage Management	BM001S	30	June 6-9	208-524-3000	EITC/Id. Falls	\$260	TBA
CE CORE 2003	C2003	4	June 9	208-769-3444	NIC/Post Falls	\$39	Hatch
Buyer Brokerage	CE013E	4	June 9	208-769-3444	NIC/Post Falls	\$39	Hatch
Title Insurance and Closing Issues	E0097	4	June 10	208-769-3444	NIC/Post Falls	\$39	Albi
Idaho Real Estate Commission Meeting	CM001S	3	June 17	208-334-3285	IREC/Boise	\$0	N/A
Business Conduct & Office Operations	BC001S	4	June 18	208-377-9247	AREC/Boise	\$40	Heist
Real Estate Finance	FI001S	30	June 21-24	208-377-4300	Pioneer/Boise	\$250	Clifton
CE CORE 2003	C2003	4	June 23	208-377-9247	AREC/Boise	\$40	Heist
Risk Management	E0073	4	June 23	208-377-9247	AREC/Boise	\$40	Heist
Buyer Brokerage	CE013E	4	June 24	208-377-9247	AREC/Boise	\$40	Heist
Introduction to Commercial RE Sales	E0078	4	June 24	208-377-9247	AREC/Boise	\$40	Heist
CE CORE 2003	C2003	4	June 24	208-376-0363	ACAR/Boise	\$45	TBA
CE CORE 2003	C2003	4	June 25	208-377-9247	AREC/Boise	\$40	Heist
Cracking the Code: REALTOR® Ethics	E0034	4	June 25	208-376-0363	ACAR/Boise	\$45	TBA
Commercial Real Estate-Listing Properties	E0080	8	June 28	208-377-4300	Pioneer/Boise	\$65	Byers
CE CORE 2003	C2003	4	June 29	208-377-4300	Pioneer/Boise	\$45	Byers
1031 Exchanges/New Home Construction	E0088	8	June 30	208-377-4300	Pioneer/Boise	\$65	Byers

Disciplinary Actions

Formal actions issued by the Idaho Real Estate Commission:

Blaye, John P., designated broker with Aurora Development LLC in Meridian. Stipulated to violations of Idaho Code sections 54-2023(1)(a) - failure to obtain the required CE hours in a timely manner; 54-2060(7) - misstatement in the renewal of real estate license; rule 406 - falsification of CE certification. Given a formal reprimand; ordered to pay civil fine of \$250; and required to pay the costs and attorney's fees for the administrative action.

Brower, Karla L., sales associate with ERA Archibald-Reece Real Estate in Idaho Falls. Stipulated to violations of Idaho Code sections: 54-2054(5) and 54-2060(8) - use of a double contract; 54-2060(11) - dishonest and dishonorable dealings; and 54-2060(2) - flagrant course of misrepresentation. Given a formal reprimand for her actions; ordered to pay a civil fine of \$3,000; required to pay the costs and attorney's fees; and required to successfully complete a real estate finance course.

Dillon, Lou Ella, sales associate with Sommerfeld Realty, Inc., in Sandpoint. Stipulated to violations of section 54-2054(4) - conducting business under a name other than the one in which a license is issued; 54-2053(2) - advertising a business name that has not been approved by the Commission; and 54-2053(4) - misleading advertising. Given a formal reprimand; ordered to pay a civil fine of \$500; required to pay costs and attorney's fees; and required to successfully complete a Business Conduct and Office Operations course.

Edgington, James L., formerly the designated broker for Leading Edge Realtors in Post Falls. Voluntary surrender and permanent termination of his Idaho real estate license.

Halden, Claudia R., sales associate with Century 21 Golden West Realty in Caldwell. Stipulated to violations of Idaho Code sections 54-2060(11) - dishonest and dishonorable dealings; 54-2088(c) - failing to properly account for property placed in the care and responsibility of the brokerage; 54-2058(3) and 54-2060(5) - failing to respond and cooperate with the investigation. Given a formal reprimand for her actions; her real estate license was suspended for a period from

11/1/03 until 10/31/04, but the suspension is suspended provided she meets the terms and conditions of the Final Order; she is ordered to pay a \$500 civil fine; and the costs and the attorney's fees for the administrative action not to exceed \$1000.

Hill, Erica Lynne, designated broker with Keller Williams Realty - Boise. Stipulated to violations of Idaho Code sections 54-2038(1)(a) - failure to supervise the activities of a licensee; 54-2044(2) - failure to make ledger cards for HUD transactions; 54-2044(3) - failure to obtain receipts for transferred earnest money; 54-2044(4)(a) - failure to assign transaction numbers to HUD transactions; 54-2048(2) - failure to provide proof of delivery of closing statements; 54-2049(4) - failure to maintain trust ledger cards for HUD transactions; 54-2060(3) - failure to account for monies coming into the brokerage's possession. She was given a Formal Reprimand for her actions; ordered to pay a civil fine of \$1,500; and the costs and attorney's fees for this administrative action; and required to complete a live Business Conduct and Office Operations class.

Hoyd, Dale K., designated broker for Realty Executives of Treasure Valley in Boise. Stipulated to violations of Idaho Code sections 54-2038(3) and rule 304 - allowing an unlicensed person to represent the brokerage; 54-2044(3) - failure to obtain a receipt in the transfer to earnest money; 54-2060(12) - reckless conduct in post-dating his signature on the Addendum to the Sale Contract. Given a formal reprimand; ordered to pay a civil fine of \$500; required to pay the costs and attorney's fees for this administrative action.

Jimenez, Rebecca M., expired licensee, formerly with ERA West Wind in

Boise. After formal hearing, was found to have been in violation of sections 54-2002 - engaging in the capacity of a real estate agent without a license; 54-2060(1) - making fraudulent misrepresentations; 54-2060(2) - continued or flagrant course of misrepresentation; 54-2060(11) - dishonest and dishonorable dealings; and 54-2061(1)(a) - conviction of misdemeanor involving fraud, misrepresentation or dishonest or dishonorable dealings. Real estate license revoked; ordered to pay civil fine of \$3,500; and required to pay the costs and attorney's fees for the administrative action.

Jacobs, Marilyn G., sales associate with McLeod Realty in Boise. Stipulated to violations of Idaho Code sections 54-2023(1)(a) - failure to obtain the required CE hours in a timely manner; 54-2060(7) - misstatement in the renewal of real estate license; rule 406 - falsification of CE certification. Given a formal reprimand; ordered to pay civil fine of \$250; and required to pay the costs and attorney's fees for the administrative action.


King, Donald Ross, inactive sales associate formerly with Gem State Realty, Inc., in Twin Falls. Stipulated to violations of section 54-2061(1)(a) Idaho Code - conviction of a felony. His real estate license was revoked, however, the revocation was withheld provided he not violate the terms and conditions of his probation. No fine is imposed, and no costs or attorney's fees assessed for the proceedings.

Langer, Debbie, sales associate with Greylock Realty in Boise, and formerly with Re/Max West in Boise. She stipulated to violations of Idaho Code, sections 54-2051(4)(a) - failure to include all terms and conditions in a purchase and

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Employee Charitable Campaign

The State Employee Charitable Giving Campaign is an opportunity for state employees to contribute to their community through nonprofit organizations of their choice. This year the employees of the Idaho Real Estate Commission held a raffle with the proceeds going to the Idaho Humane Society. We raised \$124 through ticket sales.

Thank you to everyone for your help with this year's campaign. 

sale agreement; 54-2045(4)-failure to obtain and turn over consideration to the broker; and 54-2051(4)(b)-incorrectly naming the form and amount of earnest money. Given a formal reprimand; ordered to pay a civil fine of \$1,000; required to pay the costs and attorney fees not to exceed \$500; and required to successfully complete a Real Estate Law course.

Lindstrom, Jarrod A., sales associate with Realty Executives of Treasure Valley in Boise. Stipulated to violation of Idaho Code sections 54-2018(3) – continuing to act as a salesperson under an expired license; 54-2045(4) - failure to turn over earnest money to his broker; 54-2051(4)(b)(c)(d) - incorrect stating or not possessing earnest money, failure to show responsible broker, failure to include representation confirmation in the Purchase and Sale Agreement; 54-2086(1)(c)-failure to account for money placed in the care of the brokerage. Given a formal reprimand; ordered to pay a civil fine of \$500; and required to pay the costs and attorney’s fees for this administrative action.

Reece, Robert, designated broker with ERA Archibald-Reece Real Estate in Idaho Falls. Stipulated to violations of Idaho Code sections: 54-2054(2)-sharing a commission in a manner that creates a double contract; 54-2054(5) and 54-2060(8)-use of a double contract; 54-2060(11)-dishonest and dishonorable dealings; and 54-2060(2)-flagrant course of misrepresentation. Given a formal

reprimand for his actions; ordered to pay a civil fine of \$3,500; required to pay the costs and attorney’s fees; and required to successfully complete a real estate law course.

Rosera, Julie M., sales associate with Nampa Realty in Nampa and formerly with Coldwell Banker Aspen Realty in Boise. Stipulated to violations of Idaho Code sections 54-2060(11) - dishonest and dishonorable dealings; 54-2087(4) - failing to properly account for property placed in the care and responsibility of the brokerage. Given a formal reprimand for her actions; her real estate license was suspended for a period from 11/1/03 until 10/31/04, but the suspension is suspended provided she meets the terms and conditions of the Final Order; she is ordered to pay a \$500 civil fine; and the costs and the attorney’s fees for the administrative action not to exceed \$1,000.

Stevens, Marjorie S., designated broker with Sommerfeld Realty, Inc., in Sandpoint. Stipulated to violations of section 54-2054(4)-conducting business under a name other than the one in which a license is issued; 54-2053(2)-advertising a business name that has not been approved by the Commission; and 54-2053(4)-misleading advertising. Given a formal reprimand; ordered to pay a civil fine of \$750; required to pay costs and attorney’s fees; and required to successfully complete a Business Conduct and Office Operations course.

Wilson, Leigh Anne, sales associate with Keller Williams Realty - Boise. Stipulated to violations of Idaho Code sections 54-2045(4) – failure to turn in

earnest money to her broker; 54-2051(4)(b)– incorrectly stating/not possessing the earnest money in a transaction; 54-2051(4)(c)– failure to indicate the responsible broker in the transaction; 54-2051(4)(d) – failure to include the agency confirmation in the Purchase & Sale Agreement; 54-2085(3)– preparation of a buyer representation agreement after the preparation of the Purchase & Sale Agreement and completing it incorrectly; and 54-2087(4)– failure to properly account for money placed in the care and responsibility of the brokerage. She was given a Formal Reprimand for her actions; ordered to pay a civil fine of \$1,000; and the costs and attorney’s fees for this administrative action; and required to complete a live Business Conduct and Office Operations class.

Young, Stephanie Zoe, sales associate with Holland Realty, prior licensed with Re/Max Capital City in Boise. Stipulated to violations of Idaho Code sections 54-2045(4)-failure to immediately deliver earnest money to her designated broker; 54-2048(3)(c)-failure to provide all offers to her designated broker; 54-2087(2)-failure to deliver an addendum to the seller and his agent. Given a formal reprimand for her actions; ordered to pay a civil fine of \$500; required to pay the costs and attorney’s fees; and required to successfully complete a live Business Conduct and Office Operations course. **Amended Final Order dated 8/21/03: Amount of civil fine reduced from \$500 to \$200.**

Young, Tiffany Zoe, sales associate currently with Holland Realty, prior licensed with Re/Max Capital City in Boise. Stipulated to violations of Idaho Code sections 54-2045(4)-failure to immediately deliver earnest money to her designated broker; 54-2048(3)(c)-failure to provide all offers to her designated broker; 54-2087(2)-failure to deliver an addendum to the seller and his agent. Given a formal reprimand for her actions; ordered to pay a civil fine of \$500; required to pay the costs and attorney’s fees; and required to successfully complete a live Business Conduct and Office Operations course. **Amended Final Order dated 8/21/03: Amount of civil fine reduced from \$500 to \$200.**

Associate brokers or salespersons issued a civil penalty fine for violation of

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Complaint Statistics

Complaints	FY99	FY00	FY01	FY02	FY03
Written Complaints Recieved	383	278	181	250	340
Stipulation	27	47	43	65	149
Formal Action	15	12	19	18	38
Citations	110	68	20	73	68
Voluntary Surrender of License	2	1	2	4	2
Dismissed/Withdrawn/No Action/ Administratively Closed	136	150	77	100	90
Discipline	FY99	FY00	FY01	FY02	FY03
Licenses Canceled	4	3	6	7	3
Licenses Suspended	1	5	3	4	2
Staff Letter of Reprimand	9	8	10	9	11
Fine/Civil Penalty	149	120	73	149	251

(Disciplinary from page 16)

sections 54-2002, 54-2018(2), and 54-2060(10), Idaho Code-failure to renew license in a timely manner, and continuing to practice as a licensee after license had expired:

Anderst, Lisa May, salesperson with Re/Max Country Real Estate, Inc., in Pocatello. Civil penalty fine of \$50.

Bosh, Amy Jai, salesperson with Westerra Group, Inc., in Twin Falls. Civil penalty fine of \$50.

Brown-Sproul, Sharon A., salesperson with Windermere Capital Group Commercial Inc., in Boise. Civil penalty fine of \$50.

Green, Andrew E., salesperson with Hubble Homes LLC, in Meridian. Civil penalty fine of \$100.

Harriell, Everett Ladon, salesperson with Cedar Hills Realty, in Firth. Civil penalty fine of \$100.

Jacobson, Denise L., salesperson with Re/Max Capital City, in Boise. Civil penalty fine of \$100.

Kurtz, Jeanette S., salesperson with Windermere Real Estate/Capital Group, Inc., in Boise. Civil penalty fine of \$50.

Leavell, Rick D., inactive salesperson, in Boise. (Failure to activate in timely manner.) Civil penalty fine of \$50.

Leavell, Rick D., salesperson with Homeland Realty, in Boise. Civil penalty fine of \$50.

Lindstrom, Jarrod Allen, salesperson with Realty Executives of Treasure Valley, in Meridian. Civil penalty fine of \$50.

Ludlow, Judith Keilani, salesperson with Mike Gamblin Real Estate, in Boise. Civil penalty fine of \$50.

McDorman, Barbi Reed, salesperson with Hailey Realty, Inc., in Hailey. Civil penalty fine of \$250.

Sams, Douglas G., salesperson with Era West Wind, in Boise. Civil penalty fine of \$50.

Stephenson, Troy, salesperson with Lazaris Realty LLC, in Meridian. Civil penalty fine of \$150.

Wade, David R., associate broker with Columbia Village Realty, in Boise. Civil penalty fine of \$150.

Designated brokers issued a civil penalty fine for violation of sections 54-2038(3) and 54-2060(10), Idaho Code-

failure to adequately supervise by allowing an unlicensed person to represent the broker.

Adolfson, Edward O., designated broker with Cedar Hills Realty, in Firth. Civil penalty fine of \$100.

Bolan, George "Bud", designated broker with Hailey Realty, Inc., in Hailey. Civil penalty fine of \$250.

Clifton, Maurice S., designated broker with Era West Wind, in Boise. Civil penalty fine of \$50.

Florence, J Francis, designated broker with Westerra Group, Inc., in Twin Falls. Civil penalty fine of \$50.

Gamblin, Michael L., designated broker with Mike Gamblin Real Estate, in Boise. Civil penalty fine of \$50.

Hoyd, Dale K., designated broker with Realty Executives of Treasure Valley, in Meridian. Civil penalty fine of \$50.

Lazaris, George P., designated broker with Lazaris Realty LLC, in Meridian. Civil penalty fine of \$150.

Lucas, Joseph P. "Rusty", designated broker with Homeland Realty, in Boise. Civil penalty fine of \$50.

Lucas, Joseph P. "Rusty", designated broker with Homeland Realty, in Boise. Civil penalty fine of \$50.

Mayes, Blake, designated broker with Re/Max Capital City, in Boise. Civil penalty fine of \$100.

Osburn, Steven Alan, designated broker with Windermere Real Estate/Capital Group, Inc., in Boise. Civil penalty fine of \$50.

Robnett, Margaret Ettelene, designated broker with Hubble Homes LLC, in Meridian. Civil penalty fine of \$100.

Rosenbaum Jr., Werner, designated broker with Re/Max Country Real Estate, Inc., in Pocatello. Civil penalty fine of \$50.

Rowland, Dewey M., designated broker with Columbia Village Realty, in Boise. Civil penalty fine of \$150.

Stewart, Scott J., designated broker with Windermere Capital Group Commercial, Inc., in Boise. Civil penalty fine of \$50.

The following designated brokers have been issued citations for violations found during their audits:

Anderson, Donald F., designated broker with Lakeshore Realty, in Coeur d'Alene.

Aubertin, Marilou, designated broker with Windermere Real Estate/All Star Realty, in Lewiston.

Baxter, Dianna M., designated broker with Code of the West Realty, in Idaho Falls.

Camberlango, Marty K., designated broker with Premier Properties, in Boise.

Cawthon, James L., designated broker with RE2K.Com, Inc., in Puyallup, Washington.

Closson, Patricia Ann, designated broker with Maiden Rock Real Estate, in Sandpoint.

Corcoran, Karen L., designated broker with International Realty Plus of Idaho, in Coeur d'Alene.

Davis, Daniel L., designated broker with Davis Realty & Associates, in Coeur d'Alene.

Dixon, Preston E., designated broker with Salmon River Realty, in Challis.

Duffey, Terry Cole, designated bro-

(continued on page 18)

2003 CE Core Tapes FOR SALE!

Want an inexpensive way to ensure your agents are up to speed on current legislation, case law and hot topics? Consider purchasing the CE Core tapes from the IREC for your office. With successful completion of the CE Core challenge exam, agents can also earn 4 Core CE hours!

(see order form on page 10)

(Disciplinary from page 17)

ker with Duffey Realty, in Saint Maries.
Goldman, Michael F., designated broker with Boise Real Estate & Townhomes, in Boise.

Gunstream, Jarrell Warren “Jerry”, designated broker with Gunstream Commercial Real Estate, in Nampa.

Hall-Contreras, Lisa Olivia, designated broker with American Eagle Realty, in Mountain Home.

Hill, Sandra Kaye, designated broker with Way Out West Realty, in Challis.

Jones, Deanna C., designated broker with Wardley Jag Realtors, in Soda Springs.

Longstreet, Garret James, designated broker with Century 21 1st Place Realty, in Boise.

Osburn, Steven Alan, designated broker with Windermere Real Estate/Capital Group, Inc., in Boise.

Peterson, Mary T., designated broker, and **Hayes, Tony L.**, managing sales associate with Windermere Real Estate/Resort Lifestyles branch office in Sandpoint.

Piazzola, Angela Jean, designated broker with Inland Northwest Realty, in Sandpoint.

Schaffner, Susan Alyne, designated broker with Susan Schaffner Real Estate, in Salmon.

Stevens, Marjorie S., designated broker with Sommerfeld Realty, Inc., in Sandpoint.

Stewart, Kathleen M. “Kathye”, designated broker with American Dream Real Estate, in Caldwell.

Vigliaturo, Steve D., designated broker with Premier Properties Real Estate, in Pocatello.

Weed, Judith Ann, designated broker with Judy Weed Real Estate, in Boise.

Webb, Jay D., designated broker with Coldwell Banker Eagle Rock, in Idaho Falls.

Wetherell, JoAnne, designated broker with Re/Max of Sun Valley, in Sun Valley.

Wickham, Larry E., designated broker with Wickham Realtors, Inc., in Meridian.

Wixom, Donald D., designated broker with RE/MAX Advantage, in Nampa. 🏠

(Guidelines from page 6)

whom the licensee is licensed. The answers will depend on the identity of the “person” buying or selling the property, and whether that person is “actively licensed.” A “person” is either an individual or a legal business entity. Unless the “person” buying or selling is actively licensed, the requirement does not apply.

Example #1

Mary Smith is an active licensee. She is married to John, who is not licensed. John works for ABC, Inc., a business that owns real property and constructs new homes. John and Mary are the sole shareholders in ABC, Inc. ABC, Inc. is not licensed.

Question: Does the law require that ABC, Inc.’s sales of its new homes by ABC, Inc. be conducted through a responsible broker?

Answer: No. In this case, ABC, Inc., is the “person” selling property. Because ABC, Inc. is not an “actively licensed person,” the requirement of subsection (3) does not apply. *However*, under the broad language of subsection (2), 54-2055, Idaho Code, Mary Smith is required to disclose, in writing, that she is an active licensee.

Example #2

Property is not on the market.

Question: Must the transaction be

conducted through Mary’s broker?

Answer: Yes. Because Mary is one of the persons buying the property, and because she is “actively licensed”, the transaction must be conducted through Mary’s broker, “whether or not the property is listed.” Mary will also have to make written disclosure of her status as an active licensee.

Example #3

Same facts as in #1. John wants to buy a small lot and building for use in connection with his own personal hobbies. John will handle the transaction and Mary will not be involved at all. (The funds used are not John’s sole and separate property.)

Question: Must the transaction be conducted through Mary’s broker?

Answer: Yes. Even if the property is purchased for exclusive use by John, the property will still belong to the marital community, and Mary will acquire a community interest therein. Therefore, the transaction must be conducted through Mary’s broker. Again, Mary is also required to disclose her status as an active licensee.

NOTE: The purpose of these requirements is to ensure that the broker is made aware of and able to supervise transactions for which he or she could be held liable. The broker may choose to go beyond these laws and impose additional requirements of his or her licensees. 🏠

FOR YOUR OWN GOOD...

Check The Expiration Date of Your License

It is your responsibility to assure that your license is renewed in a timely manner. Any education you might require must be completed before your license expiration date if you want to maintain an active real estate license.

Renewal forms are sent out as a courtesy to all licensees and also obtained on our website. The Idaho Real Estate Commission is NOT responsible for U.S. Postal Service delivery or knowing where to find you if you have moved and not filed a change of address with our office. Failure to receive a renewal notice does not provide a valid excuse for not renewing your license in a timely manner.

Revision of Income Tax Regulations

The following was a memo received from the Department of the Treasury, Internal Revenue Service, Small Business /Self-Employed Division:

RE: Treasury Decision (TD) 9082—Revision of Income Tax Regulations under Section 897, 1445, and 6109 to require use of Taxpayer Identifying Numbers on Submissions under the Section 897, and 1445 Regulations.

Dear Gentlemen:

We like to take this opportunity to bring your attention to TD 9082, which promulgates final regulations on the use of taxpayer identifying numbers form submissions under sections 897 and 1445 of the Internal Revenue Code.

We request your assistance in disseminating the following information to the various real estate licensees doing business within the state.

The Internal Revenue Code requires transferees (buyer) to withhold tax on the amount realized from sales or other dispositions by foreign persons of U.S. equal property interests, and to remit the withholding to the Internal Revenue Service on Form 8288, U.S. withholding Tax Return for Dispositions by Foreign Persons of U.S. Real Property Interest, and Form 8288-A, Statement of Withholding on Dispositions by Foreign Persons of U.S. Real Property Interests, or to request a withholding certificate on Form 8288-B, Application for Withholding Certificate for Disposition by Foreign Persons of U.S. Real Property Interests.

Treasury Decision 9082 requires that all foreign transferors (seller) of U.S. real property interests provide their Taxpayer Identifying Number (TIN) on withholding tax returns, applications for a withholding certificate, and other notices or elections under sections 897 and 1445. TINs are required so that the IRS can identify foreign taxpayers, and more easily match applications, withholding tax returns, notices, and elections with the foreign transferors' income tax return. This TIN requirement is effective on No-

vember 4, 2003, which is 90 days from the issuance of TD 9082, to allow foreign transferors time to obtain TINs.

If an application for a withholding certificate, notice, or election is submitted to the IRS without a TIN, then it will be considered incomplete and generally not processed. The TIN of the transferee and foreign transferor must be provided to the IRS for the application or election to be considered complete. Because an application for a withholding certificate generally takes 90 days to process, these applications will not be rejected if a copy of an application for a TIN on Form SS-5 or Form W-7 is submitted with the withholding certificate application. However, other notices and elections must contain the taxpayer's TIN.

Amounts withheld under section 1445 must still be timely filed and paid to the IRS on Forms 8288 and 8288-A, even if the appropriate TINs are not provided. However, even though the tax has been paid, the IRS will not date stamp, nor mail out, the receipt (Form 8288-A) to the foreign transferor on its U.S. tax return to establish the available credit amount.

It is important to disseminate to all real estate licensees the importance of obtaining their client's residency status and TIN as early in the process as possible. If during this process you discover that the foreign transferor or

even the transferee does not have a TIN number, then instruct them to begin the process of obtaining a TIN as soon as possible, so that they can have it prior to settlement day. Remember, the foreign transferor must have a TIN in order to file their U.S. income tax return for the year of the disposition of the U.S. real property interest to obtain a refund, if any is due to them.

For U.S. individuals, the TIN is a social security number (SSN). For all other entities, it is an employer identification number (EIN). If you are a non-resident alien individual who is not eligible to obtain an SSN, you must apply for an IRS individual taxpayer identification number (ITIN).


Individuals can obtain an SSN by filing Form SS-5 with the Social Security Administration or an ITIN by filing Form W-7 or W-7SP with the IRS. To request an EIN, call the tele-TIN Unit at 215-516-6999 (not toll free), between the hours of 9:00am and 5:30pm EST.

If you have any questions regarding this matter, you can contact Juan Santiago of my Staff, Monday through Friday from 7:00am-3:30pm EST, at 215-516-7648. This is NOT a toll free number.

Thank you for your cooperation.

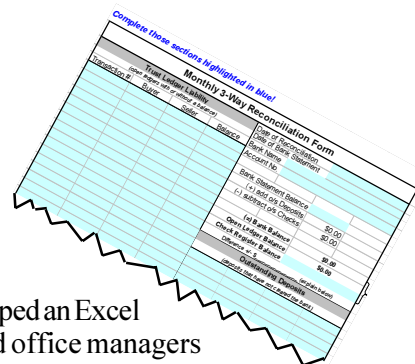
Sincerely yours,

Ronald Rivelli

Chief, Policies, Procedures and Guidance Branch 

Trust Account Reconciliation Form Available

The Commission has developed an Excel form available for brokers and office managers to use in the 3-way reconciliation of real estate trust account records. It is available on the Commission's website under "forms".



HONOR

ROLL

Offices with *NO* Audit Violations!

(from May 1, 2003, through October 31, 2003)

Office Audits Conducted	166
Offices With No Violations	38

Stanley E. Ausman, Ausman Realty Grangeville
Heidi A. Baldwin, Clear Creek Real Estate, Ketchum
Lawrence R. Bencik, St. Maries Realty, St. Maries
Jerry J. Bischoff, Bischoff REALTORS®, Blackfoot
Larry R. Cunningham, Cunningham Realty, Blanchard
Kathryn K. Donahue, The Lawson Company Real Estate Professionals, Boise
Alan R. Eborall, Eborall Realty, Hayden
John M. Fairchild, Heartland Real Estate, Inc., Blackfoot
John W. Faw, Waldo Real estate, New Plymouth
Ronald L. Hagen, Premier Properties of N. Idaho, Post Falls
Christian E. Hansen, House of Brokers Home Team, Boise
Vickie S. Heath, Heath Realty, Riggins
Mary E. Hill, Hill Real Estate Agency, Boise
Lynda Hoggan, Cabin Creek Realty, Challis
Karen S. Hulstrom, Silver Heritage Realty, Kellogg
David A. Hunt, The Boise Real Estate Store, Boise
Teresa L. Kamerrer, Parkview Real Estate, Clarkston, WA
Larry M. Kelsey, River Valley Real Estate, Inc., Blackfoot

George Paul Lazaris, Lazaris Realty, Boise
Katherine L. Martin, United Country Gem State Properties, Idaho Falls
Marshall E. Mend, Marshall Mend Realty, Hayden
Charles E. Parrish, Evergreen Realty & Investment, Sandpoint
Michael J. Parkins, Four Seasons Realty & Investment, Sandpoint
James R. Prideaux, Blossom Heights Realty, Caldwell
Thomas B. Renk, CM Brewster & Co., Inc., Sandpoint
Robert S. Sayer, Salmon Real Estate, Salmon
Donald R. Smock, Windermere/Coeur d'Alene, Coeur d'Alene
Wm. Kim Stimpson, Assist 2 Sell Buyers & Sellers Realty, Meridian
Beverly S. Taylor, Home & Land Realty, St. Maries
Ardith R. Tepfer, Raynebow Realty, Middleton
David M. Waldo, Waldo Real Estate, Ontario, OR
Cynthia L. Ward, Cornerstone Realty, Hailey 

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