

# The Real Estate

Vol. 35 No. 1

January 2014

## Comments From the Commission Chair



By Kelly Fisher

### [irec.idaho.gov](http://irec.idaho.gov) A PLETHORA OF INFORMATION

The official website of the Idaho Real Estate Commission is [irec.idaho.gov](http://irec.idaho.gov) and is truly a wealth of information. Have you ever wanted to look up a licensee, check on your education records, renew your real estate license, file a complaint or reconcile your trust account? Perhaps you want to know about the upcoming law changes or what is the latest discussion taking place with the property management or post license education workgroups. You need not look any further than this website.

There has been a lot of buzz going around about the new video on advertising and the past video describing agency. Do you know where you can find a link to these award winning videos? That's right, both are featured on [irec.idaho.gov](http://irec.idaho.gov).

This website also includes commission meeting agendas and minutes, along with a calendar of upcoming events and much, much more. Do yourself a favor and log on to our website. I, for one, would like to commend staff for a very informative and professional site.

On a different note: IREC would like to acknowledge the accomplishments and skilled leadership of Nathan Lyda, the Idaho Association of REALTORS® 2013 President, as well as his Executive Committee. We thank them for their support this past year. IREC would also like to congratulate Shirley Hicks as IAR's® 2014 President and look forward to working with her and her Executive Committee.

Now, on a third note: My children tell me that the older I get the more I like to teach them. Of course, they call it "lecture" them. So, call it old age and another lecture or just a friend sharing a good message.

Canadian Geese are fascinating creatures. There have been many articles and theories written as to why they fly in a "V" formation and whether these articles or theories are true or false, or partially true, there are lessons to be learned.

Read on, my feathery friends.

**Lesson number one:** As each goose flaps its wings it creates "uplift" that reduces air friction for the birds that follow. By flying in a "V" formation the whole flock achieves a 70%

greater flying range than if each bird flew alone. The entire flock shares a common direction and goal and they reach their goal quicker and with less effort because they benefit from the momentum of the group moving around them. Nevertheless and regardless of the position, it is important that each goose understands the need to flap its own wings.

**Lesson number two:** Flying in a "V" formation increases the visibility as every goose can see what's happening in front of them. Every member of a company, team, club or whatever has the right to know what the mission or vision of that group is. Everyone needs to know what is happening in front of them.

**Lesson number three:** When a goose falls out of formation, it suddenly feels the friction of flying alone. It then quickly adjusts its mistake and moves back into formation to take advantage of the lifting power of the bird immediately in front of it.

**Lesson number four:** When the lead goose in the front becomes tired, it rotates back into the formation and allows another goose to take the leadership role. From this we learn to empower others to lead. People have unique skills, capabilities and gifts to offer. Give them autonomy, trust and a chance to shine and you will be surprised with the outcome.

**Lesson number five:** Some believe the geese honk to recognize each other and to encourage those up front to keep up their speed. As humans, we must make sure to praise people and give them the recognition they deserve.

**Lesson number six:** The geese migration routes never vary. They use the same route year after year. Even when flock members change, the young learn the route from parents or others. As taught by the geese, we must also stay true to our core values and purpose. Strategies, tactics and products may change in order to remain agile, but we must stick to the core values and preserve them with vigor.

Have a great new year!

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**Commissioner Attorney**

Kim Coster





## A RECIPE FOR SUCCESS

By Donna Capurso  
Council Chair

Do you ever wonder what sets one real estate agent apart from another? Do you see other agents making sales and wonder what makes the difference between you and them? Just like making a cake or a casserole, your ingredients can make all the difference in the world. And it's not just the ingredients themselves but the quality of those ingredients that makes the difference.

The same goes for education in real estate. Your Idaho Real Estate Commission Education Council has worked hard to provide you, as licensees, with continuing education courses that will help you to become a proficient real estate agent that is competent and knowledgeable. These attributes will assist your buyers and sellers during their transitions of either buying or selling a home in a manner that provides confidence in you as their agent and protects and serves the interests of your clients. Do you look for continuing education courses that provide the information you need to be an expert in your specialty? Do you prefer to deal with commercial, residential or vacant land clients? Do you work with foreclosures and/or short sales? Do you have clients that want to do 1031 exchanges or perhaps you work with clients looking for waterfront or off-grid retreats? If so, do you look for courses that will help you make the best recipe for success possible? Or are you one of those licensees that puts off completing their minimal amount of sixteen hours in two years until the last minute not caring about what the class is, but only to get the "required hours" completed in time in order to not be out of compliance?

How about this for a recipe for success? Look for classes that will help you in your real estate career and if you don't know what path you want to take as an agent, then take a number of courses that may be of interest. Just like taking a basic recipe

and experimenting with it, you can do the same thing in education. Discover what ingredients work specifically for you. Find out what courses will set you apart from your competitors. You know, it's really alright to complete more than your minimum sixteen hours of CE that IREC requires. It's also alright to take educational courses for no CE to enhance and hone in your skills. Sixteen hours in two years of continuing education will not provide you with the ingredients you will need to be the best in your field of endeavor; to be the best in your field or specialty, if you use less than the best ingredients for success, you will only make yourself part of the mundane that many clients and customers expect. If you excel by becoming the most knowledgeable and competent real estate agent that your clients come in contact with, you will produce a recipe to be proud of; a product that will set you apart from the rest of the cooks trying to make a recipe just to get by with.

Sometimes it takes awhile to decide what kind of recipes you want to be really good at. A new licensee is usually overwhelmed just learning the basics. Some agents prefer working with sellers while others prefer to specialize in buyer representation. No one can be an expert in all aspects of real estate. If you try to sell all types of property, such as commercial real estate without taking additional education, you will be practicing outside your area of expertise, which is a disservice to your clients and can create risk for yourself and your brokerage.

Having a career in real estate presents a myriad of opportunities and choices. Whatever recipe you choose to whip up for your success, make your education a main ingredient and become as knowledgeable and proficient as possible. If you don't take care of your clients' needs by being well informed and educated

Recipe for Success continued on page 4

## Audit Honor Roll

May 2013- November 2013

**Michael James Johnston**, DB18345  
Pocatello Real Estate, Inc.  
DBA: The Home Specialists

**Jared Christensen**, DB21733  
Christensen Cornerstone Realty

**Darsi Johnson**, DB17874  
The Home Connection, LLC  
DBA: ERA The Brokerage

**Barbara J. Woolf**, DB17093  
American Realty, Inc.

**Daniel Joseph Gorham**, DB18071  
Windermere Real Estate/  
Sun Valley, LLC

**Joanne Wetherell**, DB19055  
RE Professionals, LLC  
DBA: RE/MAX River Run Realty  
of Sun Valley

**John Milton Owen**, DB25280  
Western Idaho Realty, Inc.

**James B. Moody**, DB18129  
James B. Moody  
DBA: All Around Realty

**Robert Michael "Mike"  
Harrington**, DB21228  
The Real Estaters, LLC

**Vickie S. Heath**, DB3359  
Heath Realty

**Carrie A Hasselbring**, DB17651  
Hasselbring Enterprises, Inc.  
DBA: Re/Max Preferred Properties

**Alicia D. Lopez**, DB24307  
Alicia Lopez Real Estate, Inc.  
DBA: The Brick Group Real Estate

**Jon M. Gosche**, DB23482  
Jon Gosche Real Estate

**Michael L. Gamblin**, DB16224  
Mike Gamblin Real Estate, Inc.

Honor Roll continued on page 4

Honor Roll continued from page 3

**Alicia Marie “Lisa” Benson,**  
DB27687  
A Dream Away Realty

**Diane Elaine Caughlin,** DB20435  
Garden Valley Properties, LLC

**Kathryn Kay “Kathy” Donahue,**  
DB18784  
The Lawson Company, LLC

**Teena M. Turner,** DB20276  
Evans Realty, LLC

**Harley Gene Wilcox,** DB31677  
West Group Real Estate, LLC

**Patricia A. Krug,** DB10724  
**Donald Roland “Duffy” Smock, Jr.,**  
MA25299  
Windermere/Hayden, LLC

**Philip Horton,** DB18468  
Horton Homes, LLC

**Katie Marie Miller,** DB31830  
TripleCord Real Estate, LLC

**Donald Wayne “D. W.” Wright,**  
DB26434  
Amazing Idaho Real Estate

**Rodney C. Panike,** DB6070  
Select Properties, LLC

**Mark E. Bolduc,** DB17596  
MT Development, LLC  
DBA: 1000 Springs Realty



## ATTENTION!! UPCOMING EDUCATION CHANGES??

By Jeanne Jackson-Heim  
Executive Director

The Commission is submitting draft legislation in 2014, which would affect continuing education requirements for all Idaho licensees. The draft legislation was prepared by representatives from the Commission and the Idaho Association of REALTORS®. While we don't know whether the changes will become law, we want to give everyone a “heads up” now.

If passed by the legislature the license law would require:

- Any licensee renewing after July 1, 2014 must take Core every year. 12 elective CE hours will be required each renewal period, instead of the current 16 hours.

What does that mean to you? If you haven't already taken Core 2013, we encourage you to do so now. Licensees who must complete a second Core course to meet the new requirement will be notified, and we will ensure courses are available so everyone can renew in compliance.

- All new Idaho salesperson licensees must take 12 hours of prescribed “post-license” CE instead of 12 elective hours for their first active status renewal.

The effect? The Commission has convened a work group with industry members, educators, and Commission staff to develop a post-license curriculum for July 1, 2014. At this time, we anticipate that new salespersons who have already completed their elective hours will be allowed to use those courses for their renewal, while licensees who have not taken their elective courses will be required to take the prescribed education.

However, nothing is final yet. The Commission is working on implementation plans in the event these two changes are approved by the legislature.

In addition, a temporary rule expanding the approved topics for CE is already in place but must receive final approval from the legislature to become permanent. The Commission is presently certifying courses under the new approved topic of “business success.”

We expect there will be a lot of questions but we will be available to assist you when/if the time comes. **Remember, NOTHING IS FINAL YET!**



Recipe for Success continued from page 3

in order to be able to answer their questions and help them with the real estate process, they will go elsewhere to find someone who will bake up a recipe to fulfill their cravings.

To search for courses to assist you in your quest for the right recipe for success, the IREC website ([irec.idaho.gov](http://irec.idaho.gov)) has 394 courses available to view which includes the designation, pre-license (broker/sales), elective live and online courses. Just click on “education” to do your search. NAR has designation courses that can be accessed at: <http://www.realtor.org/>

designations-and-certifications. There you will find designations with course descriptions which can also be used for your required CE.

So get out your wooden spoons, your potholders and open your cookbook for excellence beyond compare. If one recipe fails for you, then try another one until you find the right recipe for your success.

As Julia Child once said, “...no one is born a great cook, one learns by doing.”

***New Address or Phone?  
You must notify the  
Idaho Real Estate Commission  
within 10 business days.  
(Idaho Code Section 54-2018(9))***

To change your contact information, go to [irec.idaho.gov](http://irec.idaho.gov) and log in to IREC's online services. Once logged in you can update your address, phone or e-mail. Remember to click the “Save Changes” button to save your updated information.





## CIVIL PENALTY FINES PROVIDE FOR LICENSEE EDUCATION

By MiChell Bird  
Education & Licensing Director

Have you ever wondered what happens to the money collected from civil penalty fines? Fine money is mandated by law to be used for education to benefit Idaho licensees. The Commissioners carefully consider a budget every year that will best serve the education needs of Idaho licensees.

The past two years, the Commissioners have approved a portion of the fine money to develop training videos. By creating training in a video format and posting the links on our website; brokers, instructors, licensees and others have instantaneous access to the information. They can even be viewed on a smart phone!

In 2012, the Commission produced a video to assist our licensees with “agency”. *Agency Made Simple* was designed to reinforce the concept of agency representation and associated duties. The video was also included as part of Core 2012. We have been extremely pleased with the feedback from instructors and licensees. The success of the Agency video encouraged the Commission to again budget funds for another training video in 2013. This new video is on advertising and is called, *It All “ADS” Up*. The video is intended to help licensees stay in compliance with Idaho law pertaining to advertising of real property and services.

Both videos are only 15 minutes in length and can be viewed on YouTube (shortcuts are available at [irec.idaho.gov](http://irec.idaho.gov)). The videos can be used for brokerage office meetings, new member orientation, new licensee training, in real estate classes or as a personal training tool.

What else does fine money pay for? The 2014 budget includes funds to acquire an online course platform for online prelicense courses. This year the Commission has begun working on a new Real Estate Law course. The budget also includes holding an out of town Commission meeting, printing and mailing of the Real Estate and License Law Book, and underwriting courses relevant to specialized areas of real estate.

In partnership with IAR®, the Commission will again use civil penalty fine money to support the Graduate REALTOR® Institute 101/102 and 201/202 classes. GRI 101/102 is scheduled to be held in Pocatello on March 4-7, 2014 and GRI 201/202 will be in Boise on May 6-9, 2014. These courses will be open to all licensees, regardless of membership status in the REALTOR® association. The GRI courses can be used for CE credit or elective courses to obtain a broker license.

## EARLY LICENSE RENEWAL AND CONTINUING EDUCATION: KNOW WHAT’S REQUIRED

By Jesama Rosensweig  
Technical Records Specialist II



You can renew your license up to 90 days early, but you **must** have your continuing education completed prior to completing the renewal process.

The commission has noticed an increase of false statements from licensees who renewed their licenses early without having completed the required continuing education. By answering ‘YES’ to the continuing education question before completing the required CE, you may be subject to a disciplinary action and civil penalty fine under Idaho Code 54-2060(7).

The renewal form says, “I certify I have completed the Continuing Education required set forth in Idaho Code 54-2023,” not, “I will complete the Continuing Education required....”

IREC staff is frequently asked if an assistant, spouse, other family member or friend can renew on behalf of a licensee. The answer is NO! Each licensee is responsible for renewing his or her own license.

If you renew your license early, any credits taken after you renew will not be carried over. For example: Your license is due to expire on November 30, 2013 and you renew on September 18, 2013. Any CE taken between September 18,

January 2014

2013 and November 30, 2013 is only good for the current renewal period ending November 30, 2013 and will not be applied to the next renewal period.

Renewing early does not affect your license expiration date. Your new license period starts on the 1st of the month following your expiration, not your birthdate or the date when you actually renewed your license.

As a courtesy, the commission keeps a record of the CE you have earned but cannot guarantee that it is complete. If any CE is missing from your education record, you must contact the provider you took your courses from. The Idaho certified providers (schools) are required to post the CE to your record within 5 business days of completion. If you have taken a non-Idaho certified course (out of state, designation from list on our website, certified in another jurisdiction or other licensing agency) and you want to see about receiving credit, you must fill out the Licensee Request for Continuing Education Credit (REE-153) form and submit it with the completion certificate and description of the course content no later than sixty (60) days prior to your license expiration date.

You can check your CE online, or if you need help verifying your CE credits contact the Commission.

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# Disciplinary Actions

May 1, 2013 - October 31, 2013



## BE SMART - ADVERTISE RIGHT!

By Don Morse  
Investigator

**Advocate Financial**, unlicensed entity. Advocate Financial was Porter’s unlicensed company. Engaged in unlicensed practice by attempting to obtain a property that was involved in a short sale, and offering it for sale as if he owned it. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice and 54-2003(4) - using a warranty deed to create the illusion of actual ownership in an attempt to circumvent the license law. Ordered to pay a \$3,000 civil fine; and \$300 for the costs and attorney’s fees.

**Blue Diamond Homes LLC**, unlicensed entity. Commission determined that Blue Diamond Homes is in violation of Idaho Code 54-2002 for unlicensed practice. Cease & Desist Order issued 5/09/13.

**Braun, Paul J.**, associate broker in Caldwell. Stipulated to violation of Idaho Code 54-2013(1), and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney’s fees.

**Brockman, Patti Ann**, expired salesperson’s license. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney’s fees.

**Burden, David**, unlicensed individual. Colliers Bennett & Kahnweiler is a brokerage licensed in Illinois, but not in Idaho. They represented Allstate as a client in the acquisition of land for a call center in Pocatello. Burden signed the brokerage documents on behalf of Colliers. Stipulated to violation of Idaho Code 54-2002, for unlicensed practice. Ordered to pay a \$3,000 civil fine; and \$300 for the costs and attorney’s fees.

**Butler, Michael A. “Mike”**, salesperson in Boise. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$600 civil fine; and \$300 for the costs and attorney’s fees.

Marketing is an essential skill for a real estate licensee. An important goal for licensees is to implement a successful marketing platform. Advertising programs for a licensee can include a webpage, radio spots, Facebook, LinkedIn, Twitter, Pinterest, YouTube videos, Yellow Pages, newspapers, Craigslist, business cards, real estate signs, flyers and brochures, promotional advertising specialties, direct mailers, blogs, and newsletters. These are just a handful of opportunities a licensee could utilize in a marketing program. There are hundreds, if not thousands, of advertising ideas a licensee could employ in a marketing campaign.

Marketing takes time and money, so be smart with your advertising strategies. The smartest thing a licensee could do before investing time and money in an advertising program is to know and understand real estate advertising law. All real estate advertising must include the full licensed business name of the brokerage and the information cannot be misleading in nature. (License law 54-2053(2) states) *all advertising of listed property shall contain the broker’s licensed business name 54-2053(4) no advertising shall provide any information to the public or to prospective customers or clients which is misleading in nature. Information is misleading if, when taken as a whole, there is a distinct probability that such information will deceive the persons whom it is intended to influence.* If the licensed name of the brokerage is not in the ad, then the ad is misleading.

Many licensees are employing the use of a team name. The use of a team name is acceptable by the Commission, but the licensed brokerage’s business name must be identifiable in the advertisement. If the team name is very large and prominent in the advertisement but the licensed brokerage’s name is very small, the advertisement could be misleading. Make sure all advertisements include the full licensed brokerage name and not just part of the brokerage name.

The Commission’s website provides some excellent information on advertising for licensees. Guideline #12 Internet and Social Media Advertising, Guideline #13 Advertising, and the video It All “Ads” Up can be found at [rec.idaho.gov](http://rec.idaho.gov). The two guidelines include many situations where advertisements are considered misleading by the Commission. The video provides many advertising scenarios and is a “must see” by all Idaho licensees.

Licensee Statistics	
as of November 20, 2013	
Active Licensees.....	6926
Inactive Licensees.....	2437
Total Licensees.....	9363

Disciplinary Actions continued on page 8



## WHAT I MUST DO IF I DON'T HAVE A TRUST ACCOUNT

By Gayle Brixey  
Inspector

**You need to create a ledger card when you receive earnest money.** Label the card with the next transaction number in your sequence. Record the names of both buyer and seller and the location of the property. The first entry should be the date of receipt, amount and form of earnest money and explanation of where money will be delivered and when. The next entry should be the date and place of delivery of the money. If your cards have debit and credit columns, amounts should not be recorded there. The columns are for trust account deposits and disbursements. File the card with other pending ledger cards until the transaction closes or fails. The last entry on the ledger card must tell the final disposition of the transaction.

**Earnest money must be delivered per the written instructions in the purchase and sale agreement.** Remember, the offer to purchase is a receipt for the earnest money. If money will not be collected at the time of the offer, there must be clear instructions regarding when it will be. The designated broker has the same duty to deliver to funds to a title company (or elsewhere) as to deposit it to a trust account.

**You must get a dated receipt for proof of delivery.** Most title companies have a receipting system. A receipt can be as simple as a copy of the check; dated and signed to acknowledge delivery. An email with correct details is acceptable. That dated receipt must be kept in the transaction file.

Whether or not to have a trust account is the broker's decision. It must fit your business plan and level of responsibility you are willing to accept. If you decide to close an existing account, we would appreciate an email to IREC. We can record the closure to update your records.

## Idaho Real Estate Commission Employees Recognized for Valuable Service



Commission Chair Kelly Fisher took a moment to acknowledge a valuable employee for her dedicated service to the State of Idaho by presenting a certificate of service. Gayle Brixey was recognized for 5 years with the Commissions. Congratulations, we're proud to have you part of the IREC Team!



Congratulations to the Idaho Real Estate Commission's Executive Director Jeanne Jackson-Heim. She was installed on September 21, 2013 as the 2014 President of the Association of Real Estate License Law Officials (ARELLO). Former Commissioner Andy Enrico performed the installation and Commissioner Kelly Fisher gave the invocation. Way to go!!!

**CBRE Inc.**, unlicensed entity - A Colorado brokerage engaged in unlicensed practice by brokering a hotel located in Idaho. Stipulated to violation of Idaho Code 54-2002 for unlicensed practice. Ordered to cease and desist from unlicensed brokerage in Idaho; required to pay a \$1,500.00 civil fine; and \$150.00 for the costs and attorney's fees.

**Chichester, Richard**, unlicensed individual, and **Faris Lee Investments**, unlicensed entity. Chichester obtained a listing for the Northgate Shopping Center, in Boise, on behalf of Faris Lee Investments. They prepared marketing materials listing Mousavi, D'Argenzio, and Chichester as contacts. Stipulated to violation of Idaho Code 54-2002 for unlicensed practice. Each was ordered to pay a \$3,500 (\$7,000 total) civil fine; and \$150 (\$300 total) for the costs and attorney's fees.

**Colliers Bennett & Kahnweiler**, unlicensed entity. Brokerage licensed in Illinois, but not in Idaho. They represented Allstate as a client in the acquisition of land for a call center in Pocatello. Stipulated to violation of Idaho Code 54-2002, for unlicensed practice. Ordered to pay a \$3,000 civil fine; and \$300 for the costs and attorney's fees.

**D'Argenzio, Nicholas**, unlicensed individual. Richard Chichester obtained a listing for the Northgate Shopping Center, in Boise, on behalf of Faris Lee Investments. They prepared marketing materials listing Mousavi, D'Argenzio, and Chichester as contacts. D'Argenzio stipulated to violation of Idaho Code 54-2002 for unlicensed practice. Ordered to pay a \$2,000 civil fine; and \$300 for the costs and attorney's fees.

**Darrington, Mark**, unlicensed individual. Darrington assisted in brokering a hotel located in Idaho. Stipulated to violation of Idaho Code 54-2002 for unlicensed practice. Ordered to cease and desist from unlicensed brokerage in Idaho; must pay a \$1,500 civil fine; and \$300.00 for the costs and attorney's fees.

**Drost, Deanna L.**, expired salesperson. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$300 civil fine; and \$300 for the costs and attorney's fees.

**Fowler Real Estate**, terminated corporation. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**Furlow, Blake F.**, salesperson in Boise: Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**George, Carol Jane**, associate broker in Twin Falls. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$600 civil fine; and \$300 for the costs and attorney's fees.

**Hardy, Stacey LeeAnn**, inactive salesperson. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$300 civil fine; and \$300 for the costs and attorney's fees.

**Inland Northwest Realty, Inc.**, corporation in Sandpoint. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$300 civil fine; and \$300 for the costs and attorney's fees.

**Julian, Eric Ronn**, inactive salesperson. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**Kaplan, Larry**, unlicensed individual. Kaplan assisted in brokering a hotel located in Idaho. Stipulated to violation of Idaho Code 54-2002 for unlicensed practice. Ordered to cease and desist from unlicensed brokerage in Idaho; must pay a \$1,500 civil fine; and \$300 for the costs and attorney's fees.

**Kruse, Brian**, unlicensed individual. Kruse signed transaction documents, prepared tour packages, and attended showings on behalf of a buyer, Allstate. He only referred client to an Idaho licensee after negotiations were substantially complete. Stipulated to violation of Idaho Code 54-2002, for unlicensed practice. Ordered to pay a \$3,000 civil fine; and \$300 for the costs and attorney's fees.

**Losser, Kristie L.**, salesperson in Boise. Obtained a listing from a property flipper, but knew the true owner was a builder facing foreclosure. A competing brokerage brought in a cash offer. Losser presented it to the flipper, but it failed in the counter offer process. Losser decided to buy the house herself, and submitted a much lower offer directly to the builder, who was not her client. The builder accepted her lower offer, and the short sale lien holder approved the price. Losser's transaction ultimately failed. The lien holder foreclosed on the home. The seller and lien holder would have been interested in the higher all cash offer, but were not given the opportunity to consider it. Stipulated to violation of Idaho Code 54-2051(1) - failure to tender every offer to the seller; 54-2053(4) - misleading advertising for entering the property into MLS without a valid listing; 54-2060(2) - a continued or flagrant course of misrepresentation; 54-2060(11) - dishonest and dishonorable dealing; 54-2060(12) - gross negligence or reckless conduct; 54-2085(3) & (4) - filling out the representation confirmation statement incorrectly; and 54-2086(1)(a) & (b) - failure to act with honesty, good faith, and reasonable skill and care on behalf of the owner. Given a Formal Reprimand; ordered to pay a \$5,000 civil fine, with \$1,500 withheld provided she comply with the terms of the Final Order. Must pay \$300 for the costs and attorney's fees. Her license is suspended for a period of 12 months; however, 9 months is withheld providing she complies with the terms of the Final Order. She must successfully complete a live Real Estate Law class within 6 months.

**Markland, Tia Rebecca**, salesperson in Meridian. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$300 civil fine; and \$300 for the costs and attorney's fees.

**Meyer, Terri G.**, expired salesperson. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**Moore, Ronnie Douglas**, salesperson in Eagle. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand;

ordered to pay a \$150; civil fine and \$300 for the costs and attorney's fees.

**Morris, Joseph Roger**, salesperson in Pocatello. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**Mousavi, Matthew**, unlicensed individual. Richard Chichester obtained a listing for the Northgate Shopping Center, in Boise, on behalf of Faris Lee Investments. They prepared marketing materials listing Mousavi, D'Argenzio, and Chichester as contacts. Mousavi stipulated to violation of Idaho Code 54-2002 for unlicensed practice. Ordered to pay a \$2,000 civil fine; and \$300 for the costs and attorney's fees.

**Nyeki, Keith**, unlicensed individual. Commission determined that Nyeki is in violation of Idaho Code 54-2002 for unlicensed practice. Cease & Desist Order issued 5/09/13.

**Owen, Andrea L.** terminated salesperson's license. Owen helped David Porter engage in unlicensed practice. She knew someone else was the true owner of the property, but listed the property for Porter and attempted to procure buyers for him. Stipulated to violation of Idaho Code 54-2050(1)(e) - failure to obtain the signature of the true owner on her representation agreement; 54-2051(c) and (d) - failure to name the responsible broker and include the representation confirmation statement on a Purchase and Sale Agreement; 54-2058(3) - failure to answer all reasonable investigative questions and to make records available to the Commission; 54-2060(5) - failure to disclose any information within her knowledge or to produce records in her possession for inspection by the Commission; and 54-2060(12) - gross negligence and reckless conduct. Given a Formal Reprimand; her license is revoked; and she must pay \$300 for the costs and attorney's fees.

**Palmer, Matthew/FreshStart Solutions**, Palmer was unlicensed at the time of these transactions. Palmer/FreshStart operated a short sale flipping business. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice, and 54-2003(4) - using a Warranty Deed to give the illusion of ownership and circumvent the purpose of



the license law. Palmer and FreshStart were each ordered to pay a \$3,500 civil fine, with \$2,750 withheld for each if \$750 paid on time for each; and Palmer and FreshStart a total of \$1,725.40 for costs and attorney's fees.

**Porter, David P.**, unlicensed individual. Attempted to purchase a property that was subject to a short sale, then offer it for sale prior to actually owning it. Stipulated to violation of Idaho Code 54-2002 - unlicensed practice and 54-2003(4) - using a warranty deed to create the illusion of ownership in an attempt to circumvent the license law. Ordered to pay a \$3,000 civil fine; and \$300 for the costs and attorney's fees.

**Price, Raymond**, unlicensed individual. Price was issued a Cease & Desist Order for violation of Idaho Code Section 54-2002, unlicensed practice. He approached FSBO sellers and offered them an advertising program affiliated with Eagle Home Mortgage, in Pocatello. This was free to the sellers, but anyone making an inquiry received information about lending services. Price advertised that he was the agent, and he received calls from buyers who thought he was the agent.

**Rowe, Sandra Louise "Sandy"**, salesperson in Boise. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Received a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**Simpson, Dustin P.**, inactive salesperson. Obtained his license while attempting to sell his home to a flipper during a short sale. When the transaction failed, he took extraordinary measures to try getting the flipper a fee for his unlicensed practice. Stipulated to violation of Idaho Code 54-2060(12) - gross negligence or reckless conduct. Given a Formal Reprimand; ordered to pay a \$1,500 civil fine; \$300 for the costs and attorney's fees; and must successfully complete a live Business Conduct and Office Operations course within 6 months.

**Smith, Thera A.**, salesperson in Boise. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**The Franklin Group, Inc.**, corporation in Ogden, Utah. Stipulated to violation of Idaho Code 54-2013(1) and Commission Rule 121.03 - failure to maintain errors & omissions insurance. Given a Formal Reprimand; ordered to pay a \$150 civil fine; and \$300 for the costs and attorney's fees.

**Thomas, Craig M.**, designated broker in Salt Lake City, UT - Thomas allowed two Colorado licensees to represent his Idaho brokerage in the sale of a Pocatello hotel. Stipulated to violation of Idaho Code 54-2038(4) - allowing persons not properly licensed to represent him as a sales associate, and 54-2053(1) - allowing unlicensed persons to advertise his listed Idaho property in Idaho. Given a Formal Reprimand; ordered to pay a \$1,500.00 civil fine, and \$150.00 for the costs and attorney's fees.

**Tomkinson, Steven D. "Steve"** salesperson in Eagle. Tomkinson failed to disclose an adverse material fact regarding several housecats that were locked inside the property for months with inadequate care. Stipulated to violation of Idaho Code 54-2086(1)(d) - failure to disclose to a customer all adverse material facts actually known or which reasonably should have been known to him. Ordered to pay a \$3,000 civil fine; and \$300 for the costs and attorney's fees. He must successfully complete a live Risky Business class within 6 months.

**Udy, Lisa**, unlicensed individual, and **Platinum Real Estate Group**, unlicensed entity. Udy and Platinum Real Estate Group were issued a Cease & Desist Order for violation of Idaho Code 54-2002, unlicensed practice. They received IDX data from an MLS that included both Utah and Idaho. They manipulated specific areas of Idaho to make it appear they could broker property in Idaho.

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**Late Continuing Education** - Civil penalty for violation of Idaho Code 54-2018(5) - submitting a license renewal application without having obtained the CE required by Idaho Code 54-2023; and/or 54-2060(7) - misstatement in the application for renewal of a real estate license. (First time violation unless indicated otherwise by multiple asterisks.)

**Agidius, Lucinda L. "Cindy"**, salesperson in Moscow - \$750

**Andrews Jr., Henry David**, salesperson in Boise - \$500

**Bass, Roberta "Robin"**, salesperson in Coeur d'Alene - \$500

**Blake, Alison A.**, salesperson in Boise - \$300\*\*

**Brown, Kimberly Sue**, salesperson in Pocatello - \$150

**Brown, Richard A.**, salesperson in Burley - \$150

**Brown, Thomas D.**, associate broker in Hayden - \$500

**Brunson, Jennifer**, associate broker in Pocatello - \$500

**Budell, Stacey M.**, designated broker in Nampa - \$500

**Carkonen, James G.**, salesperson in Hailey - \$500

**Clipson, Sherie Ann**, associate broker in Newport, WA - \$150

**Day, Laverne**, salesperson in Newport, WA - \$150

**Dickerson, Jerald W.**, salesperson in Nampa - \$150

**Dillon, Lou Ella**, designated broker in Sandpoint - \$500

**Dixon II, John Arnold**, salesperson in Coeur d'Alene - \$500

**Elgee, Joel M.**, salesperson in Coeur d'Alene - \$750

**Flavin, Shannon James**, salesperson in Hailey - \$150

**Gabrielli, Anthony A.**, salesperson in Eagle - \$500

**Gayhart, Tiphany L.**, associate broker in Alpine, WY - \$500

**Glinski, Kimberly G. "Kim"**, salesperson in Nampa - \$500

**Hadden, Craig S.**, designated broker in Shoshone - \$1,000

**Helmhout, Susan M.**, salesperson in Coeur d'Alene - \$500

**Herrick, Steven K.**, salesperson in Boise - \$1,000\*\*

**Higley, Bryson K.**, designated broker in Ammon - \$1,000

**Inbody, Candy Sue**, salesperson in Coeur d'Alene - \$500

**Jensen, Jeffrey S.**, salesperson in Caldwell - \$1,000

**Johnson, Carolyn M.**, designated broker in Dacula, GA - \$500

**Joslin, Carolyn Ann**, salesperson in Coeur d'Alene - \$150

**Juker, Jason T.**, salesperson in Boise - \$1,000

**Kmetz, Timothy V.**, salesperson in Chubbuck - \$500

**Larsen, Lisa A.**, inactive salesperson - \$1,000\*\*

**Leslie, Julie Ann**, salesperson in Garden Valley - \$150

**Liercke, Kim Ann**, salesperson in Mountain Home - \$500  
**Maciaszek, Michael F. "Mike"**, salesperson in McCall - \$500  
**Mangum, Peter G.**, salesperson in Nampa - \$150  
**McKay, Patricia E.**, salesperson in Boise - \$1,000  
**McMurray, William C.**, designated broker in McCall - \$150  
**Monroe, Lane R.**, associate broker in Twin Falls - \$500  
**Moon, Susan M.**, salesperson in Sandpoint - \$500  
**Piazzola, Angela**, designated broker in Sandpoint - \$500  
**Pollman, Linda J. "Janie"**, salesperson in Meridian - \$500  
**Puffe, Teresa A.**, associate broker in Nampa - \$500  
**Roberts, Cathy V.**, designated broker in Hammett - \$250  
**Rodenbush, Rebecca**, salesperson in Eagle - \$500  
**Rowley, Gregory M.**, salesperson in Coeur d'Alene - \$750  
**Scher, Tommy "Tom" M.**, salesperson in Clarkston, WA - \$500  
**Suhr, Daniel A.**, associate broker in Jerome - \$150  
**Taylor, Sean K.**, salesperson in Meridian - \$150  
**Todd, Margaret R. "Margie"**, designated broker in Wallace - \$500  
**Tomich, Kathleen A.**, designated broker in Post Falls - \$500  
**Transtrum, George A.**, designated broker in Eagle - \$300\*\*  
**Trueba, Nicholas A. "Nick"**, salesperson in Meridian - \$250  
**Urrutia, Johnny M.**, salesperson in Gooding - \$1,000  
**Vigil, Connie Ann**, salesperson in Coeur d'Alene - \$150  
**Weissaupt, Rudy J.**, salesperson in Boise - \$750

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#### Late Errors & Omissions Insurance

- Civil fine for violation of Idaho Code section 54-2013 - failure of a licensee to maintain Errors and Omissions insurance or failure of a licensee to submit or cause to be submitted a certificate of coverage as required. (First time violation unless indicated otherwise by multiple asterisks.)

**Anderson, Joel P.**, designated broker in Eagle - \$300\*\*  
**Baker, Kiley A.**, salesperson in Coeur d'Alene - \$150

**Basye, Michelle**, designated broker in McCall - \$150  
**Bellem, Stephen**, salesperson in Twin Falls - \$300\*\*  
**Bills Jr., Henry Lee**, designated broker in Coeur d'Alene - \$1,200\*\*\*\*  
**Blake, Heather Lynn**, salesperson in Star - \$150  
**Blue Larkspur, LLC**, limited liability company in Boise - \$150  
**Boise Idaho Group LLC**, limited liability company in Eagle - \$300\*\*  
**Briner, Christopher J.**, salesperson in Coeur d'Alene - \$150  
**Brown, Nicole Amber**, salesperson in Boise - \$300\*\*  
**Brown-Heinrich, Lindsey**, salesperson in Boise - \$300\*\*  
**Campbell, Jr., Douglas Todd** - inactive salesperson - \$150  
**CityTrust Real Estate Services, LC**, limited liability company in Salt Lake City, UT - \$150  
**Deal, Kathy Ann**, salesperson in Caldwell - \$300\*\*  
**Diaz, Raul**, salesperson in Eagle - \$300\*\*  
**Dufur, Bradley P.**, designated broker in Ketchum - \$300\*\*  
**Dunham, Daniel L.**, salesperson in Boise - \$200\*\*  
**Echevarria, Richard D. "Rick"**, designated broker in Homedale - \$300\*\*  
**Fields, Kenneth W.**, salesperson in Boise - \$150  
**Frame, Craig C.**, salesperson in Eagle - \$150  
**Froehlich, Zachary**, salesperson in Coeur d'Alene - \$150  
**Gilmour, Jonathan A.**, salesperson in Twin Falls - \$150  
**Graviet, Mark A.**, salesperson in Eagle - \$150  
**Grimes, Gary A.**, salesperson in Ketchum - \$100 (from 2009)  
**Gross, Christopher**, salesperson in Coeur d'Alene - \$150  
**Harris, Laura P.**, salesperson in Coeur d'Alene - \$150  
**Hart, Daniel J.**, salesperson in Twin Falls - \$150  
**Hitchcock, Curtis R.**, salesperson in Boise - \$150  
**Holland, Benjamin P.**, salesperson in Nampa - \$150  
**Idaho American Dream Realty**, corporation in Twin Falls - \$150  
**Kelsey, Larry M.**, designated broker in Blackfoot - \$300\*\*  
**Kelsey, Margaret A.**, salesperson in Blackfoot - \$300\*\*  
**Kowallis & Mackey, LLC**, limited liability company in Boise - \$150

**Kowallis, Douglas**, designated broker in Boise - \$300\*\*  
**Lanum, Betty Jean**, designated broker in Caldwell - \$600\*\*\*  
**Lanum, Frank Eugene**, salesperson in Caldwell - \$600\*\*\*  
**Leavitt, Michael C.**, salesperson in Caldwell - \$150  
**Lish Realty, LC**, limited liability company in Tremonton, UT - \$150  
**Mackey, John W.**, salesperson in Boise - \$150  
**Madsen, Patrick**, salesperson in Meridian - \$150  
**Mann, Terrence**, designated broker in Boise - \$300\*\*  
**Quinn, Catharine E. "Casey"**, inactive salesperson - \$600\*\*\*  
**Re/Max All Seasons**, limited liability company in Sandpoint - \$150  
**River Valley Real Estate Inc**, corporation in Blackfoot - \$300\*\*  
**Romero, Ruth**, inactive salesperson - \$300\*\*  
**Roos, Michael F.**, inactive salesperson - \$150  
**Smith, Kristine M.**, salesperson in Rathdrum - \$150  
**Stein Miller, Teri S.**, salesperson in Meridian - \$600\*\*\*  
**Syringa Realty, LLC**, limited liability company in Eagle - \$150  
**Taylor, Steven C.**, salesperson in Malad - \$150  
**Team Idaho Real Estate, Inc**, corporation in Moscow - \$150  
**The TNT Group, LLC**, limited liability company in Nampa - \$150  
**Thomas, David**, salesperson in Nyssa, OR - \$150  
**Toliver, Robert**, inactive broker - \$150  
**Watson, Keith**, salesperson in Boise - \$150  
**Whitaker, Brett D.**, designated broker in Island Park - \$300\*\*  
**Williams, Lori Marie**, salesperson in Meridian - \$100 (from 2009)

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Late License Renewals - Violation of Idaho Code 54-2002, 54-2018 and 54-2060(10) - continuing to practice as a licensee after license expired or was inactivated. Designated brokers - \$20 per day. All others - \$10 per day.

**Chidester, Linnea I.**, salesperson in Blackfoot - \$330  
**Cooper, Justin Dale**, salesperson in Logan, UT - \$60  
**Dixon, Preston**, designated broker in Challis - \$500.00

Disciplinary Actions continued on page 11

*~In Memory~*

*The Idaho Real Estate Commission  
extends its deepest sympathies to the  
families of:*

Janice Kay Smart, Dell

Jo Lynn Peterson, Nampa

Louis Sheridan "Ned" Bishop, Caldwell

Monte H. Risvold, Hayden

John Ralph Hayes, Pocatello

Ruth L. Moody, Grangeville

Patty M. Howell, Eagle

William Bernard Knipe III, Boise

Bonnie Jean Rens, Hayden

Disciplinary Actions continued from page 10

**Foulkrod, Christina Rae "Chris"**, salesperson in Pocatello - \$610

**Probert, Amy Dianne**, salesperson in Meridian - \$10

**Stubbs, Lloyd**, salesperson in Kuna - \$20

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**Citations** – Citation stipulation and civil penalty fines issued to designated brokers for various Idaho Code violations found during an office inspection.

**Beal, Hart E.**, Beal & Company, in Meridian. \$25

**Bond, Jeffrey**, Tomlinson Sotheby's International Realty, in Coeur d'Alene. \$25

**Clinton, Donna L.**, Jackson Hole Sotheby's International Realty, in Jackson, WY. \$25

**Johnson, Craig H.**, Johnson & Co Real Estate, in McCall. \$100

**Lanum, Betty J.**, Idaho Real Estate Company, in Caldwell. \$25

**Musick, Earl**, United Country - Musick & Sons Auction RE, in Nampa - (branch office). \$75

**Page, Douglas**, Sperry Van Ness High Desert Commercial, in Idaho Falls. \$25

**Piazzola, Angela**, Inland Northwest Realty, in Sandpoint. \$75

**Pickford, Marie**, Keller Williams Realty Coeur d'Alene, in Coeur d'Alene. \$25

**Tucker, Julie Ann**, Owyhee County Realty, LLC, in Nampa. \$25

**Vejar-Diaz, Jahil**, El Centro Real Estate, in Nampa. \$25





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REAL ESTATE COMMISSION

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