

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES**

January 8, 2009

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at The Idaho Real Estate Commission, on Thursday, January 8, 2009 at 8:30 a.m.

Commission Members Present:

Andy Enrico, Chair, Boise
Kelly Fisher, Vice Chair, Pocatello
Marvis Brice, Member, Burley

Members Absent:

Present by Phone: (For part of meeting)

Pam Trees, Member, Lewiston
Comprising a quorum of the Commission

Staff Present:

Jeanne Jackson-Heim, Executive Director
Craig Boyack, Chief, Investigator
Tammy Anderson, Administrative Assistant
Neal Bernklau, Licensing Supervisor
Mandy Wood, Education Director
Kimberly Kelly, Investigator

Others Present:

Kim Coster, Commission Legal Counsel
See attached list

Meeting was called to order at 8:30 a.m. by Commission Chair, Andy Enrico.

Introductions:

- a. Commissioners
- b. Staff

Approval of Meeting Minutes: Motion was made by Kelly Fisher to approve the November 20, 2008 Commission meeting minutes. Motion carried.

Staff Reports:

The following reports were presented for members' review; copies of which are on file at the Commission office:

- **November/December 2008 Financial Report Salesperson and Broker Licenses issued, November/December 2008**
- **FY 08-FY09 License Base Analysis**
- **Examination Statistics**
- **Complaint Summary Report**
- **Enforcement Telephone Activity Log**
- **November 2008 Education Funds Awards**
- **Online Transactions Report**

Online Lottery Drawing: Kari Stokes, (SP30730), an inactive salesperson, won the lottery drawing for November 2008. Perla Morales, (SP35281), an inactive salesperson, won the lottery drawing for December 2008.

IAR Report: Jill Randall reported that the Core class has been offered around the state of Idaho. Overall the course has good attendance and is going well. IAR® has been looking for instructors for the RESPA course and has found three new instructors. Jill also reports that IAR® has a new President, Jed Crowder.

Commission Counsel:

- **Idaho Real Estate Commission License Agreements:** Kim Coster referred members to the written information provided, and gave a historical overview of Idaho's licensing agreements with other states. Members were directed to Staff's recommendation that, with the exception of Oregon's, all agreements be cancelled and that the licensing of out-of-state licensees be administered as provided by Idaho Code. Discussion followed. A motion was made by Marvis Brice to move ahead with cancellations of agreements with the exception of Oregon. Motion carried.

Constituent Concern:

- JB, a licensee, conveyed his concern to the Commissioners relating to listings that rely on outdated, or simply incorrect, information from a public record, such as the Assessor's Office. His concern is that the seller and buyer are not protected by the inaccurate listings. He urged a law change to make the licensee accountable by requiring a preview of property prior to listing to ensure a property description in a listing is accurate and not based solely on an outdated assessment.

Executive Director's Report:

- **Authorization for CP Fine Money to Send Course Schedule Postcards:** Motion was made by Marvis Brice to authorize CP Fine money in the amount of Three Thousand Nine Hundred Sixty-Two Dollars and Twenty-Eight Cents (\$3962.28) to send course schedule postcards. Authorization includes postcards sent the previous month. Motion carried.
- **ARELLO Letter of 2009 Committee Appointments:** Jeanne Jackson-Heim reports she has been appointed to five committees and has become the Chair of the Education Certification Committee.

Education Council and Director's Report:

- **Broker Pre-license:** Mandy Wood presented a pie chart to Commissioners that contained course statistics and she stated that IREC will move forward with the RFP for offering of broker prelicense courses. Discussion followed.
- **Update on BCOO:** Mandy was pleased to announce that the revised BCOO course has been sent out to all instructors and it is a great course. She also stated that the BCOO course will be videotaped at IDW (Instructor Development Workshop) this year.
- **Update on Law Course:** Mandy is working on updating the Law exams and has contacted Subject Matter Experts.
- **Update on Brokerage Management:** IREC is currently working on the revised course and the next meeting is at the end of January.

Enforcement:

Voluntary License Surrender: Was reviewed.

Stipulation

Case of Staff vs. Gary L. Pearson (Ex-Parte). The matter was presented for ex parte hearing and was tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Marvis Brice to accept without exception the Stipulation which had been agreed to by Gary L. Pearson and that the "Final Order" against Mr. Pearson for having violated the following statutes: Idaho Code Section 54-2060(11)(12), conduct which constitutes dishonest or dishonorable dealings and gross negligence or reckless conduct in a regulated real estate transaction and Idaho Code Section 54-2087(2), failure to exercise reasonable skill and care; be entered as follows:

- 1.) That Gary L. Pearson shall be issued a formal reprimand.

- 2.) That Gary L. Pearson's designated broker's license shall be revoked effective February 27, 2009.
- 3.) That Gary L. Pearson understands and agrees that he may not apply for a real estate license for five (5) years from the above-referenced effective date. Should Mr. Pearson request and receive a reinstated Idaho Real Estate License for any reason prior to that time Mr. Pearson waives any objections to the Idaho Real Estate Commission Staff reopening the allegations concerning any license law/rule violations referenced herein which have been dismissed as part of the agreement. Mr. Pearson further understands that this document is a public record.
- 4.) That Gary L. Pearson shall pay the actual attorney's fees and costs expended by Staff in the investigation and resolution of this matter, in the amount of Two Thousand Six Hundred Ninety-Nine Dollars and Seventy-Three Cents. (\$2,699.73). This amount, being held in trust by Naylor & Hales, PC, is hereby ordered to be released to the Idaho Real Estate Commission in payment of Mr. Pearson's obligation herein.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Case of Staff vs. Thomas D. Blessinger (Ex-Parte). The matter was presented for ex parte hearing and was tape-recorded. Craig Boyack was sworn and presented the Stipulation. No other testimony was taken. Motion was made by Kelly Fisher to accept without exception the Stipulation which had been agreed to by Mr. Blessinger and that the "Final Order" against Mr. Blessinger for having violated the following statutes: Idaho Code Section 54-2060(7), 54-2061(1)(a)(3), employment of fraud, deception, misrepresentation, misstatement or any unlawful means in applying for or securing a license to act as a real estate broker or salesperson in the state of Idaho; that is, failure to disclose his felony conviction on his license renewal application, Discipline was ordered as follows:

- 1.) That Thomas D. Blessinger shall be issued a formal reprimand.

2.) That Thomas D. Blessinger's salesperson's license shall be suspended until May 1, 2011. However, the suspension is withheld provided Thomas D. Blessinger;

- a. Complies with the terms of his criminal probation.
- b. Complies with the terms of the Commission's Order and violates no other license law; and
- c. Pays in full all attorneys fees when due.

3.) That Thomas D. Blessinger's license shall only be reinstated upon written request and provided that:

- a. Thomas D. Blessinger has fully complied with the Commission's Final Order; and
- b. has paid in full all fees and/or fines assessed.

4.) That Thomas D. Blessinger pay the costs and attorney's fees, in the amount of Three Hundred Dollars (\$300.00) by March 17, 2009.

Motion carried. A copy of the "Final Order" is attached hereto and made a part of these minutes.

Executive Session: In accordance with section 67-2345 (1)(d) & (f), Idaho Code, a motion was made by Kelly Fisher to adjourn to executive session to review and discuss with legal counsel; the probable cause memoranda submitted pursuant to Section 54-2058(1), Idaho Code; the applications submitted for felony exemptions and special consideration to waive certain licensing requirements and education requirements. Motion carried. Members reviewed probable cause memoranda and applications for exemption waiver.

Regular Session: There being no further purpose for an executive session, a motion was made by Kelly Fisher to adjourn the executive session. Motion carried.

Probable Cause Memo 08-50300, 08-50301 A motion was made by Kelly Fisher finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 08-53900 A motion was made by Kelly Fisher finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 08-54100 A motion was made by Kelly Fisher finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 08-61200, 08-61201, 08-61202, 08-61203 A motion was made by Marvis Brice finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 08-46500, 08-46501 A motion was made by Kelly Fisher finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Probable Cause Memo # 07-23800, 07-23801, 07-23802 A motion was made by Marvis Brice finding that the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Section 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Motion carried.

Special Consideration #09-001 Exemption Review 54-2054(1)(f). Following discussion and review of the documents submitted, motion was made by Kelly Fisher to grant request. Motion carried.

Special Consideration #09-002 Exemption Review 54-2054(1)(f). Following discussion and review of the documents submitted, motion was made by Kelly Fisher to grant request. Motion carried.

Special Consideration #09-003 Waive Broker Experience Requirement 54-2012. Following discussion and review of the documents submitted, motion was made by Marvis Brice to grant request to waive experience requirement, provided all education requirements have been completed. Motion carried.

Education Petition 08-122: Request for Special Consideration for certification seeking Instructor Certification: Motion was made by Kelly Fisher to grant request for special consideration, and to extend time for Instructor to complete education requirement for Instructor Recertification to May 31, 2009. Motion carried.

Education Petition 08-123: Request for Special Consideration seeking Continuing Education Credit for Course Content as within the Topic Area Approved for Continuing Education Credit 54-2036: Motion was made by Marvis Brice to deny the request, and to allow the 9 hours of credit as previously determined by the Education Council. Motion carried.

There being no further business, motion was made by Marvis Brice to adjourn the meeting at 2:16 p.m. Motion carried.

Respectfully Submitted,


Jeanne Jackson-Heim
Executive Director

JJH: tla

Attachments: Licenses Issued November/December 2008
FY08-FY09 Analysis of Active & Inactive License Base
Online License Reports
Complaint Summary Report
November/December 2008 Financial Reports
Online Transactions Reports
Final Orders

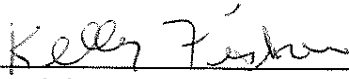
Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho, on January 8, 2009, are hereby approved.



Andy Enrico, Chair



Pam Trees, Member



Kelly Fisher, Vice Chair



Marvis Brice, Member