What's new at the Idaho Real Estate Commission

The Real Estatement

Vol. 23 No. 2 July 2004

Comments from the Chair

Steve Kohntopp

Reflections & Changes

by Steve Kohntopp, Commission Chair

As my year as Chairman of the Commission draws to a close and I reflect on the happenings of this past year, the Commission has again had a banner year as our industry continues to experience rapid changes.

By carefully scrutinizing the budget over the past few years and implementing changes that are not normally a part of a state agency operation, we have been able to reduce costs and improve online services to licensees. We are proud that a by-product of this efficiency of our operations has resulted in a license fee reduction of $10 per year or $20 per license period.

For the past four months our online license renewal rate has hovered in the 60% range. The online program offers a convenience for licensees while at the same time reduces staff processing time. Credit for this increase is due in large part to our online renewal lottery in which your name is added once to the lottery if you renew online, and two times if you also print your license from your location.

The lottery drawing will be held and the lucky winner announced after the contest ends on July 1, 2004. Watch our web site for this announcement. Another lottery campaign will begin immediately. Hopefully a lottery will be held each month.

Another major change to be implemented July 1, 2004, is our new Assigned Agency option. This new law will allow a real estate brokerage to provide full services when representing both the buyer and the seller in the same real estate transaction. The old statute allowed a single brokerage to represent both the buyer and seller, with the written consent of the parties, but required that such dual representation be "limited." Under the assigned agency option, the designated broker will still remain in a limited dual representation position and cannot participate as an assigned agent on her/his personal listings.

This is strictly an "option" and is not mandated. It simply allows the brokerage another tool to use in satisfying specific situations of agency representation within the office. A brokerage can adopt this option or continue to operate in the same way it does now.

If you choose to use the Assigned Agency option the brokerage must have a written policy outlining how the client confidential information will be secured, and both the buyer and seller must give written permission. This will require a change in your current employment agreements and purchase and sale agreements.

Additionally, on July 1st all brokerages will be required to use the new "Agency Law in Idaho" brochure (blue brochure), which has several changes including an explanation of the new assigned agency law.

Important Notice

Late License Renewal Fee Increase

If you renewed your license late and practiced real estate, you may be in for a big surprise, because the penalty fees have been raised. The following fee schedule applies to the licensee AND the broker:

If your license was expired at least	But Less than:	Penalty Fine is
One Day	One Month	$150
One Month	3 Months	$300
3 Months	6 Months	$500
6 Months	One Year	$750
Over One Year	*License cannot be renewed*	

Inside this Issue

Agency Brochure 21-22

CE Self Certification 6

Course Schedules 7-10

Disciplinary Actions 13

Fingerprint Update 6

Honor Roll 24

Legislative Update 2

The Real Estatement
Vol. 23, No. 2 July 2004

The Real Estatement is an official publication published semiannually by the Idaho Real Estate Commission.

Articles by outside experts express the author's particular viewpoints. These opinions are not necessarily shared by the Commission, nor should they be mistaken for official policy. The articles are included because we feel they will be of interest to the readers. Submissions are solicited; however, articles should not exceed 500 words in length and may be edited as space and content make necessary.

Reprint permission is granted provided credit is given to the Commission and the author. Any article separately copyrighted by its author(s) also requires permission from the author(s).

Costs associated with this publication are available from the Idaho Real Estate Commission in accordance with section 60-202, I.C. 1-04/7,500/429.

Please advise the Commission office of any individuals with disabilities needing accommodation.

Idaho Real Estate Commission:
633 North Fourth Street
P.O. Box 83720
Boise, Idaho 83720-0077
208-334-3285
866-447-5411 Toll free in Idaho
208-334-2050 Fax
800-377-3529 TRS
www.idahorealestatecommission.com

Governor
Dirk Kempthorne

Idaho Real Estate Commission
Ron Clawson, Idaho Falls
Bob Jones, Boise
Steve Kohntopp, Twin Falls
Pam Trees, Lewiston

Education Council
Maris Cukurs, Idaho Falls
Ron Clawson, Idaho Falls
Gail Heist, Boise
Donna Jones, Boise
Beckie Kukal, Jerome
Bill Zales, Coeur d'Alene

Editor...Jill Randall
Assistant Editor...Marty Gunter

Legislative Update

by Donna M. Jones, Executive Director

Donna Jones

We were successful in the passage of the Idaho Real Estate Commission legislative package in the recent session and those bills will become law on July 1, 2004. Here is a recap of those legislative changes:

SB 1240 Assigned Agency

This change in our agency law will simply allow a broker to assign one agent to represent the seller and another agent to represent the buyer when that office is handling an in-house transaction. Both the buyer and seller must sign an agreement disclosing they are aware of the assigned agency policy.

Previously, when both buyer and seller were clients of the same firm in an in-house transaction, the licensees representing them HAD TO act as limited dual agents. Because they owed the same duty to both of the firm's clients, the licensees had to treat each other's clients equally, and are prohibited from advocating the interests of one party over the interests of the other client.

With Assigned Agency, the brokerage now can assign a different licensee to go to bat for each client, avoiding the limitations of dual agency. For example, the licensee assigned to represent the buyer can advise his or her client that the seller's price is too high, or can recommend buyer-favorable conditions be included in the purchase and sales agreement.

The designated broker cannot act as an assigned agent, but has instead the duty to supervise the assigned agents and act as a limited dual agent in the transaction.

Assigned Agency is optional, and no brokerage is required to offer it. If a brokerage does offer assigned agency, it must first develop an **office policy** on agency that ensures that client confidences are not compromised. No specific content is dictated. The Commission will audit to see that the brokerage has a written office policy in place, but the policy's contents will not be scrutinized.

See the newly revised "Agency Law in Idaho" brochure on page 21.

SB 1241 Housekeeping Bill (minor changes)

Our annual 'Housekeeping' bill is designed to make minor law corrections needed to clarify the intent of the original law. Those items in our 2004 bill are:

1. 54-2018(2)(a) codifies existing rules to statute to comply with the new Continuing Education (CE) certification that allows licensees to use the Commission's online licensing system.

2. 54-2018(4)(d)(e) codifies existing rules into statute to comply with the new Errors & Omissions (E&O) and continuing education certification processes.

3. 54-2023(1) codifies that the CE requirement effective July 1, 2003, applies to an active license renewed after that date and those changing from inactive to active license status.

4. 54-2023(5)(f) allows instructors to get CE credit hours for the CE course they teach.

5. 54-2026(2)(b) requires that course providers designate an individual in charge who is responsible for the operation of the schools. It further

(continued on page 3)

Frequently Asked Questions

Question: **What needs to be included in the transaction record for rejected offers?**

Answer: Under Idaho Code 54-2049, Records Retention, the transaction record needs to include an original or true copy of the offer (marked "rejected" with the date) along with any attachments or counter offers, a copy of the seller representation agreement if the brokerage is representing the seller, and a copy of the buyer representation agreement if the brokerage is representing the buyer. If the brokerage is representing both the buyer and the seller, the file should include consent to limited dual agency signed by both the buyer and the seller, the file should include consent to limited dual agency signed by both parties either included in the agency agreements or as an attachment. The ledger sheet for the rejected offer should be closed, moved from the pending ledgers and retained with the closed-out ledger sheets.

Question: **What is the records retention period?**

Answer: Records retention is based on the final event that occurs on the transaction. Typically, this is when the offer is rejected and the earnest money has been returned to the buyer or when the transaction fails and the earnest money has been disbursed. Records should be retained for three years after the end of the year of the final event. For example, if the transaction's final event occurs on July 1, 2004, the records would need to be retained after December 31, 2007.

Question: **If an offer is rejected or the transaction fails, and the buyer asks that the earnest money be held by the brokerage until the buyer can find another property, how should this be handled on the ledger sheets?**

Answer: Once a transaction is "dead," the first ledger sheet needs to be closed out and the earnest money tracked on a new ledger sheet. The new ledger sheet is assigned a transaction number and references the transfer from the previous transaction number. The new ledger sheet should clearly document that the funds are being held until a new property can be found. As soon as a new property has been identified, the name of the seller and the property location are added to the new ledger sheet.

Question: **If a licensee who has been a part of a sales team is placing his license on inactive status, do the team's business cards and yard signs need to be changed?**

Answer: Under Idaho Code 54-2038(3), a designated broker cannot allow anyone who is not properly licensed to represent that broker as a sales associate. If the licensee is no longer an actively licensed part of the team, his name should not be included on business cards, yard signs and any other advertising for the brokerage.

Pay Your E&O Premium On Time

by Cindy Rice Grissom, Rice Insurance Services Company, LLC

Idaho requires that all active licensees carry and maintain errors and omissions insurance. If you do not pay your premium on time, the Commission may place your license on inactive status. There is another very important reason to pay your premium in a timely manner. You may lose a valuable feature of the group program, **prior acts coverage**.

The group policy provides limited protection for past professional acts. Prior acts coverage is determined by your retroactive date. A claim involving your past acts may be considered for coverage so long as the error, omission or negligent act took place after your retroactive date. Your retroactive date is the date you first obtained errors and omission coverage and have maintained continuous coverage. **It is very important that you maintain continuous coverage in order to preserve your retroactive date.**

Licensees who do not renew their coverage on time may lose any previously established retroactive date. Those licensees' effective date will be the date Rice Insurance Services Company, LLC (RISC), receives and accepts the premium. If you discover that you have missed timely renewal, call RISC immediately and see if you qualify for reinstatement of your coverage back to the inception of the policy period. This will avoid a break in coverage and loss of your retroactive date. **Always pay your premium on time to avoid a break in coverage** and protect yourself from uncovered claims.

This information is for illustrative purposes only and is not a contract. It is intended to provide a general overview of the products and services offered. Only the policy can provide the actual terms, coverages, amounts, conditions and exclusions. This program is only available in Idaho.

(***Legislative*** *from page 2)*

assures that individual must continue to meet professional discipline and criminal conduct qualifications or lose certification.

6. 54-2033(2)(a) provides that if an instructor fails to maintain professional discipline and criminal conduct qualifications, the Commission may withdraw or cancel the certification.

SB 1242 Fine Monies Disposition

Crafted to alleviate any misconception that the Commission could be tempted to use fine monies to fund day-to-day operations. This bill requires that any civil penalty fine monies collected by the Commission as a result of any disciplinary action, including the audit citation program, are to be used exclusively to educate real estate licensees. The intent of this effort is to reduce potential license violations through real estate licensee education.

Guideline #6 Guaranteed Sales Plans

1. A "guaranteed sales plan" (GSP) is defined as a written agreement between a broker and a seller whereby the broker agrees to purchase the seller's property within a specified period of time and at a specified price if the property is not sold in accordance with the terms of the listing or on other terms acceptable to the seller.

2. A broker offering a GSP should provide in writing to the prospective seller all of the details of such plan. These details should include the exact price for which the property would be purchased, the exact circumstances under which the commitment to purchase will be honored, and the reason(s) for any difference between the listing price and the price which the broker agrees to pay.

3. No broker should offer any GSP or enter into any GSP unless the broker has adequate financial resources to meet the commitment. A broker offering a GSP should, if requested, provide to the seller a statement that the broker has sufficient financial resources to satisfy his/her commitment.

4. A broker offering a GSP should give good market exposure to each property covered by any such plan, and shall present to the seller all offers received for each property.

5. A GSP should include a provision clearly stating that the broker's obligation to purchase property is enforceable only at the option of the seller.

6. A broker offering a GSP is free to advertise and promote the plan as a service of the broker available to sellers who qualify. However, a broker may NOT advertise the plan in a manner which is likely to mislead the seller to believe that the plan is available without restriction, unless the plan is indeed available without restriction. The broker who advertises a GSP should, prior to taking any listing, advise the seller whether the seller qualifies for the plan, and if so, explain any restrictions or conditions that apply to the seller. The broker is advised to obtain a written confirmation from the seller that the terms of the GSP have been explained, and that the seller understands that he does/does not qualify for the plan.

7. Brokers may NOT use a GSP as a false inducement to sign a listing agreement. Idaho law protects consumers by prohibiting misleading advertising. A broker advertising a GSP, or any other product or service, should be familiar with the state laws protecting consumers from unfair and misleading advertising, namely, section 54-2053(4) of the *Idaho Real Estate License Law*, and the Attorney General's *Rules of Consumer Protection*. Excerpts from these advertising laws are set forth below.

Idaho Real Estate License Law.

Section 54-2053(4) of the *Real Estate License Law* provides:

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.

Idaho Rules of Consumer Protection:

The Attorney General's Office has promulgated comprehensive *Rules of Consumer Protection*. Although many of the Rules deal with specific products (e.g., automobiles), there are some general rules defining and prohibiting unfair and deceptive practices, including "bait and switch" practices.

Violations of the *Rules of Consumer Protection* are pursued by the Office of Attorney General; however, those Rules may provide useful guidance to the Commission in determining whether a particular advertising practice is "mis-

(continued on page 5)

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. 1/04)
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. (Reserved)
17. Use of Unlicensed Assistants and Office Staff (Rev. 1/02)
18. (Reserved)
19. Signatures and the Use of Counteroffer Forms (Rev. 7/00)
20. Nonagency (Rev. 7/02)
21. Telephone Solicitation (Rev. 11/03)
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*)

leading" within the meaning of the License Law.

Subchapter E, Rule 50, of the Consumer Protection Rules states that it "It is an unfair and deceptive act or practice for a seller to engage in bait-and-switch sales tactics." "Bait and switch" is defined to mean:

Advertising goods or services with the intent not to sell them but to lure the consumer to the seller's place of business and then switch the consumer from buying the advertised goods or services to other or different goods or services on a basis more advantageous to the seller.

The Rules regarding "bait and switch" further provide:

051. INITIAL OFFER (Rule 51).

It is an unfair and deceptive act or practice for a seller to create a false impression of the grade, quality, quantity, make, value, age, size, color, usability, availability, or origin of the goods or services offered, or which may otherwise misrepresent the goods or services in such a manner that later, on disclosure of the true facts, there is a likelihood that the consumer may be switched from the advertised goods or services to other goods or services. Even though the true facts are subsequently made known to the consumer, Subchapter E is violated if the first contact or interview is secured by a bait-and-switch offer.

052. DISCOURAGEMENT OF PURCHASE OF ADVERTISED MERCHANDISE (Rule 52).

It is an unfair and deceptive act or practice for a seller to discourage the purchase of the advertised goods or services as part of a bait-and-switch scheme to sell other goods or services. For example, among acts or practices which will be considered in determining if an advertisement is a bona fide offer are:

01. Refusal To Show. The refusal to reasonably show, demonstrate, or sell the goods or services advertised or otherwise offered in accordance with the terms of the initial offer.

02. Disparagement. The disparagement by acts or words of the advertised goods or services or disparagement with respect to the guarantee, credit terms, availability of service, repairs, or parts, or in any other respect, in connection with the advertised goods or services.

03. Availability. The failure to have available at all outlets listed in the advertisement a sufficient quantity of the advertised goods or services to meet reasonably expected public demand, as defined in CPR 103, unless the advertisement clearly and conspicuously discloses that the supply of a particular good is limited and/or the goods or services are available only at designated outlets, or unless the advertisement discloses that a particular good is to be closed out or offered for a limited time. Issuing of "rain checks" of goods or offering comparable or better goods at the sale price will be considered a mitigating circumstance, unless there is a pattern of inadequate inventory or the inadequate inventory was intentional.

04. Refusal To Take Orders. The refusal to take orders for the advertised goods or services to be delivered within a reasonable period of time.

05. Showing Impractical Goods Or Services. The showing or demonstrating of goods or services which are defective, unusable, or impractical for the purpose represented or implied in the advertisement.

06. Compensation Plans. The use of a sales plan or method of compensation for salesmen which is designed to prevent or discourage them from selling the advertised goods or services. This does not prohibit compensating salesmen by use of a commission.

053. SWITCH AFTER SALE (Rule 53).

In the event of a sale of the advertised goods or services, it is an unfair and deceptive act or practice for a seller to attempt to "unsell" the advertised goods or services with the intent and purpose of selling other goods or services in their stead, except when the parties are bargaining for a bona fide trade-in.

054. PATTERN OF CONDUCT (Rule 54).

The fact that a seller occasionally sells the advertised goods or services at the advertised price shall not constitute a defense to a charge that the seller has engaged in bait-and-switch tactics.

055. LEADER ITEMS (Rule 55).

Nothing in Subchapter E shall prevent a seller from advertising goods and services with the hope that consumers will buy goods or services in addition to those advertised.

How Do You Rate? QUIZ Yourself!

Test yourself on some of the common questions received at the Commission office!

1. _____ TRUE or FALSE
I must complete a total of 20 hours of approved continuing education in order to renew my active license this month.

2. _____ TRUE or FALSE
Licensees must complete continuing education in order to renew their inactive license.

3. _____ TRUE or FALSE
Commercial transactions are exempt from the requirement of providing the blue brochure (Agency Law in Idaho).

4. _____ TRUE or FALSE
Every real estate office must offer the new Assigned Agency Representation option to consumers.

5. _____ TRUE or FALSE
I can offer (and subsequently give) my unlicensed personal assistant a referral fee for directing her brother to me to purchase a condo.

(Answers on page 23)

Self-Certification of CE

by Jill Randall, Education Director

Self Certification

If you have renewed your license lately, you probably noticed several changes. Perhaps you were able to renew online; perhaps you mailed in your renewal. Regardless, you should have noticed the self-certification of continuing education statement that you signed.

Since March 1, 2004, licensees only have to attest that they have completed their required continuing education rather than listing the complete course information on the renewal form. This has streamlined the renewal process significantly, making it easier for the licensee to complete and faster for the Commission staff to process.

One of the drawbacks of going to this type of process though is that the Commission is no longer able to address continuing education deficiencies before the licensee renews. Where we used to be able to contact the licensee who did not list enough education hours so that he or she could meet the requirement before the license actually expired, now we do not see that information and it truly is left up to you to ensure that you are completing the requirement as expected.

CE Auditing

With the self-certification of continuing education at renewal time comes the unfortunate business of "auditing". To require copies of the course certificates at renewal time for every renewal would require additional staff to review education records for every renewal, whereas the current audit process is just a small sampling of renewals to ensure compliance. The audit program also provides us valuable insight for improving the entire program.

To date, the audits average 92% in compliance. The other 8% were turned over to the Enforcement Department with results ranging from a "Staff Letter of Reprimand" to "Formal Reprimands" with civil fines, costs and attorney's fees.

More Continuing Education Options

Challenging an Exam

by Jill Randall, Education Director

My last article in the January 2004 issue described the very popular options of "automatic approval" for CE courses, including national real estate professional designation courses. For information on specific designations offered by the National Association of REALTORS® and its Institutes, Societies & Councils, check out www.realtor.org/edmatrix where you can search by topic, organization, or designation and receive course descriptions and other important information.

Another option available to licensees for meeting the CE requirement is to "challenge an exam". The law allows for licensees to take an exam and receive course credit, rather than sitting in a classroom. No other "challenge exams" are allowed except for:

- CE Core Course
- Real Estate Law
- Brokerage Management
- Real Estate Finance
- Valuation & Analysis

There are many more options available for meeting the continuing education requirements, including many distance learning opportunities. For more information, check out the Commission's website course schedule. If you have any questions about continuing education, please contact the Commission office.

New Fingerprint Requirements

Effective March 1, 2004

by Neal Bernklau, Licensing Supervisor

Idaho Code Section 54-2012(h) and 54-2012(c) requires that an applicant for a new salesperson or broker license submit a completed fingerprint card and receive fingerprint clearance from the Commission office prior to applying for licensure.

The Commission will forward all completed fingerprint cards to the Idaho Department of Law Enforcement who will perform a state screening. They will then forward the fingerprint card to the Federal Bureau of Investigation (FBI) in Washington, D.C. The FBI will process a national screening and return the fingerprint card and/or report to the Commission for review.

The Commission will review the results and send a letter of approval to those whose fingerprints have been cleared by the FBI. This entire process takes 4-6 weeks to complete.

Once the applicant receives a clearance letter from the Commission, he/she may apply for licensure. Fingerprint results are valid for 6 months from the date released by the FBI.

Those candidates who have had a past felony conviction must request an exemption review when submitting the fingerprint card and processing fee to the Commission office. The exemption review will be conducted after the FBI returns the results.

If the fingerprints are unreadable due to smudges, etc., a new fingerprint card will need to be submitted. A new processing fee will not be required at this time. An applicant may submit an affidavit certifying he has not committed any criminal acts, along with a license application.

If you have any questions regarding the fingerprint requirements, please contact Neal Bernklau, Licensing Supervisor, at 208-334-3285 ext. 227.

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 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	Uof I/ISO	$300	Loegering
Correspondence (RE305x 3 credit)		509-335-3557	WSU	$495	Crellin
Online (Real Estate & Urban Economics)		307-766-4199	UofWy	$420	Sunderman
July 5-17	6pm	208-234-4357	PRES/Pocatello	$320	Johnston
July 6-9, 12-13	8am	208-377-4300	Pioneer/Boise	$275	Byers
July 6-21	8am	208-327-0768	EOI/Boise	$325	Jonas
July 7-9, 12-14	8am	208-377-9247	AREC/Boise	$275	Heist
July 7-15	8am	208-769-3444	NIC/Post Falls	$265	Hatch
July 12-23	8am	208-327-0768	EOI/Boise	$325	Townsend
July 20-Aug. 4	5:30pm	208-524-3000	EOI/Boise	$325	Learned
July 26-Sept. 11	6pm	208-3343285	Pioneer/Boise	$275	TBA
Aug. 2-6, 9	8am	208-377-4300	Pioneer/Boise	$275	Byers
Aug. 4-6, 9-11	8am	208-377-9247	AREC/Boise	$275	Heist
Aug. 23-Oct. 18	6:30pm	208-426-1897	BSU/Boise	$275	Jonas
Aug. 24-Oct. 19	6:30pm	208-426-1897	BSU/Nampa	$275	Jonas
Aug. 26-Dec. 16	6pm	208-426-3356	BSU/Boise	$500	Loegering
Aug. 30-Sept. 14	5:30pm	208-327-0768	EOI/Boise	$325	Learned
Sept. 7-10, 13-14	8am	208-377-4300	Pioneer/Boise	$275	Byers
Sept. 7-16	8am	208-769-3444	NIC/Post Falls	$265	Hatch
Sept. 8-10, 13-15	8am	208-377-9247	AREC/Boise	$275	Heist
Sept. 9-10, 16-18	8am	208-524-3000	EITC/Idaho Falls	$275	Clifton
Sept. 13-Oct. 20	6pm	208-377-4300	Pioneer/Boise	$275	TBA
Sept. 15-17, 22-23	8am	208-792-2442	LCSC/Lewiston	TBA	Aubertin
Oct. 4-8, 11	8am	208-377-4300	Pioneer/Boise	$275	Byers
Oct. 6-8, 11-13	8am	208-377-9247	AREC/Boise	$275	Heist
Nov. 1-Dec. 13	6pm	208-377-4300	Pioneer/Boise	$275	TBA
Nov. 1-5, 8	8am	208-377-4300	Pioneer/Boise	$275	Byers
Nov. 3-5, 8-10	8am	208-377-9247	AREC/Boise	$275	Heist
Nov. 10-19	8am	208-377-9247	NIC/Post Falls	$265	Hatch
Nov. 29-Dec. 6	8am	208-377-4300	Pioneer/Boise	$275	Byers
Dec. 1-3, 6-8	8am	208-377-9247	AREC/Boise	$275	Heist

Sales Prelicense Module II (45 hours)

Dates	Time	Phone #	Provider/Location	Cost	Instructor
July 6-21	5:30pm	208-327-0768	EOI/Boise	$325	Jonas
July 12-Aug. 19	6:30pm	208-426-1897	BSU/Nampa	$275	Jonas
July 14-16	8pm	208-377-4300	Pioneer/Boise	$275	Byers
July 15-16, 19-22	8pm	208-377-9247	AREC/Boise	$275	Heist
July 20-28	9am	208-234-4357	PRES/Pocatello	$320	Johnston
July 26-Aug. 6	8am	208-327-0768	EOI/Boise	$325	Townsend
Aug. 2-11	8am	208-769-3444	NIC/Post Falls	$265	Hatch
Aug. 9-24	5:30pm	208-327-0768	EOI/Boise	$325	Learned
Aug. 10-13, 16-17	8am	208-377-4300	Pioneer/Boise	$275	Byers
Aug. 12-13, 16-19	8am	208-377-9247	AREC/Boise	$275	Heist
Sept. 14-Oct. 21	6pm	208-377-4300	Pioneer/Boise	$275	TBA
Sept. 15-17, 20-22	8am	208-377-4300	Pioneer/Boise	$275	Byers
Sept. 16-17, 20-23	8am	208-377-9247	AREC/Boise	$275	Heist
Sept. 20-Oct. 5	5:30pm	208-327-0768	EOI/Boise	$325	Learned
Sept. 20, Oct. 1-2, 7-9	8am	208-524-3000	EITCIdaho Falls	$275	Clifton
Sept. 29-30, Oct. 1, 6-8	8am	208-792-2442	LCSCLewiston	TBA	Aubertin
Oct. 7-15	8am	208-769-3444	NIC/Post Falls	$265	Hatch
Oct. 12-15, 18-19	8am	208-377-4300	Pioneer/Boise	$275	Byers
Oct. 20-Dec. 15	6:30pm	208-426-1897	BSU/Boise	$275	Jonas
Oct. 26-Dec. 18	6:30pm	208-426-1897	BSU/Nampa	$275	Jonas
Nov. 2-Dec. 14	6pm	208-377-4300	Pioneer/Boise	$275	TBA
Nov. 9-12, 15-16	8am	208-377-4300	Pioneer/Boise	$275	Byers
Dec. 3-10	8am	208-769-3444	NIC/Post Falls	$265	Hatch
Dec. 7-10, 13-14	8am	208-377-4300	Pioneer/Boise	$275	Byers

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
Sept. 28-30, Oct. 1	8:00am	208-377-4300	Pioneer/Boise	$250	Jonas, D.

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	UofI-ISO	$300	Hatch
Nov. 17-20	8:00am	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	UofI-ISO	$300	Felton
Aug. 30-31, Sept. 1-2	8:00am	208-377-4300	Pioneer/Boise	$295	May, Justin

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
Sept. 17-18, 24-25	8:00am	208-524-3000	EITC/Idaho Falls	$250.00	Morrison, R.
Sept. 23-24, 30, Oct. 1	8:00am	208-342-3585	IAR/Ketchum	$300	Nelson, B.

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
July 21	8:30am-12:30pm	208-334-3285	IREC/Driggs	$20	Mesaros
August 27	8:30am-12:30pm	208-334-3285	IREC/Pocatello	$20	Mesaros
September 23	8:30am-12:30pm	208-334-3285	IREC/Sun Valley	$20	Mesaros
October 22	8:30am-12:30pm	208-334-3285	IREC/Grangeville	$20	Mesaros
December 3	8:30am-12:30pm	208-334-3285	IREC/Nampa	$20	Mesaros

It is highly recommended that you complete the CE Core course *each year*!

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	Instrct
ADA & Fair Housing	E0030	4	*online*	800-532-7649	CWS	$45	LaMere
Business Conduct & Office Operations	BC001S	4	*corresp.*	208-334-3285	IREC	$20	Staff
Buyer Representation in Real Estate	E0060	6	*online*	206-523-9801	CEOO	$45	Myers
Consensual Dual Agency	E0032	4	*online*	800-532-7649	CWS	$45	LaMere
CE CORE 2004	C2004	4	*video/audio*	208-334-3285	IREC	$15	Staff
Ethics and Real Estate	E0028	4	*online*	800-532-7649	CWS	$45	LaMere
Ethics and Real Estate	E0061	6	*online*	206-523-9801	CEOO	$45	Myers
Real Estate Finance (BUS C262)	FI001S	30	*corresp.*	877-464-3246	U of I ISO	$300	Hatch
Real Estate Law (BUS 263)	LW001S	30	*corresp.*	877-464-3246	U of I ISO	$300	Felton
Real Estate Math	E0031	4	*online*	800-532-7649	CWS	$45	LaMere
Tax Free Exchanges	E0029	4	*online*	800-532-7649	CWS	$45	LaMere
CE CORE 2004	C2004	4	July 8	208-342-3585	IAR/Ketchum	$50	Clifton
Cracking the Code	E0034	4	July 8	208-342-3585	IAR/Ketchum	$50	Clifton
Real Estate Broker/Salesperson Liabilities	E0057	4	July 9	208-342-3585	IAR/Ketchum	$50	Albi
Title Insurance and Closing Issues	E0097	4	July 9	208-342-3585	IAR/Ketchum	$50	Albi
Americans with Disabilities & RE Practices	E0076	4	July 14	208-769-3444	NIC/Post Falls	$39	Hatch
CE CORE 2004	C2004	4	July 14	208-769-3444	NIC/Post Falls	$39	Albi
Real Estate Agent Tax Topics	E0109	2	July 14	208-323-4118	JLS/Boise	$	Cornell
Commission Meeting	CM001S	3	July 14-15	208-334-3285	IREC/Boise	$0	Various
Real Estate Broker/Salesperson Liabilities	E0057	4	July 15	208-769-3444	NIC/Post Falls	$39	Albi
Business Conduct & Office Operations	BC001S	4	July 21	208-334-3285	IREC/Driggs	$20	Mesaros
Commercial Real Estate-ListingProperties	E0080	8	July 22	208-377-4300	Pioneer/Boise	$65	Byers
Real Estate Agent Tax Topics	E0109	2	July 22	208-323-4118	JLS/Boise	$	Cornell
CE CORE 2004	C2004	4	July 23	208-377-4300	Pioneer/Boise	$45	Byers
CE CORE 2004	C2004	4	July 29	208-376-0363	PRES/Boise	$45	Mooney
Cracking the Code	E0034	4	July 30	208-376-0363	PRES/Boise	$45	Mooney
Environmental Issues & Real Estate Practice	E0071	4	Aug. 10	208-769-3444	NIC/Post Falls	$39	Hatch
CE CORE 2004	C2004	4	Aug. 10	208-769-3444	NIC/Post Falls	$39	Hatch
Title Insurance and Closing Issues	E0097	4	Aug. 11	208-769-3444	NIC/Post Falls	$39	Albi
CE CORE 2004	C2004	4	Aug. 14	208-234-4357	PRES/Pocatello	$50	Johnston
Commercial Real Estate-ListingProperties	E0080	8	Aug. 18	208-377-4300	Pioneer/Boise	$65	Byers
CE CORE 2004	C2004	4	Aug. 19	208-377-4300	Pioneer/Boise	$45	Byers
CE CORE 2004	C2004	4	Aug. 26	208-376-0363	PRES/Boise	$45	Mooney
Business Conduct & Office Operations	BC001S	4	Aug. 27	208-334-3285	IREC/Pocatello	$20	Mesaros
Cracking the Code	E0034	4	Aug. 27	208-376-0363	PRES/Boise	$45	Mooney
Real Estate Law	LW001S	30	Aug.30-Sept.2	208-377-4300	Pioneer/Boise	$295	May
CE CORE 2004	C2004	4	Sept. 8	208-769-3444	NIC/Post Falls	$39	Albi
Understanding & Using Real Estate Contracts	E0066	4	Sept. 8	208-769-3444	NIC/Post Falls	$39	Albi
Title Insurance and Closing Issues	E0097	4	Sept. 10	208-769-3444	NIC/Post Falls	$39	Albi
Valuation & Analysis	VA001S	30	Sept. 17-25	208-524-3000	EITC/Id Falls	$250	Morrison
CE CORE 2004	C2004	4	Sept. 20	208-769-3444	NIC/Sandpoint	$39	Hatch
Fair Housing, ADA, & Real Estate Agents	E0067	4	Sept. 20	208-769-3444	NIC/Sandpoint	$39	Hatch
Americans with Disabilities & RE Practices	E0076	4	Sept. 21	208-769-3444	NIC/Sandpoint	$39	Hatch
Valuation & Analysis	VA001S	30	Sept. 23-Oct.1	208-342-3585	IAR/Ketchum	$300	Nelson
Business Conduct & Office Operations	BC001S	4	Sept. 23	208-334-3285	IREC/Sun Valley	$20	Mesaros
Commercial Real Estate-ListingProperties	E0080	8	Sept. 23	208-377-4300	Pioneer/Boise	$65	Byers
CE CORE 2004	C2004	4	Sept. 24	208-377-4300	Pioneer/Boise	$45	Byers
Cracking the Code	E0034	4	Sept. 24	208-376-0363	PRES/Boise	$45	Mooney
Brokerage Management	BM001S	30	Sept.28-Oct.1	208-377-4300	Pioneer/Boise	$250	Jonas
CE CORE 2004	C2004	4	Sept. 30	208-376-0363	PRES/Boise	$45	Mooney
Rookie REALTOR®	E0101	16	Oct. 14-15	208-342-3585	IAR/Twin Falls	$125	Mai
CE CORE 2004	C2004	4	Oct. 15	208-234-4357	PRES/Pocatello	$50	Johnston
Understanding & Using Real Estate Contracts	E0066	4	Oct. 15	208-769-3444	NIC/Post Falls	$39	Albi
IRC Section 1031 Tax Deferred Exchanges	E0104	4	Oct. 15	208-234-4357	PRES/Pocatello	$50	Hamilton

(continued on page 10)

Continuing Education Courses (Continued)

Name	Apprvl#	Hrs	Dates	Phone#	Provider/City	Cost	Instrctr
CE CORE 2004	C2004	4	Oct. 15	208-769-3444	NIC/Post Falls	$39	Albi
Real Estate Broker/Salesperson Liabilities	E0057	4	Oct. 16	208-769-3444	NIC/Post Falls	$39	Albi
Commercial Real Estate-ListingProperties	E0080	8	Oct. 20	208-377-4300	Pioneer/Boise	$65	Byers
CE CORE 2004	C2004	4	Oct. 21	208-377-4300	Pioneer/Boise	$45	Byers
Business Conduct & Office Operations	BC001S	4	Oct. 22	208-334-3285	IREC/Grangeville	$20	Mesaros
CE CORE 2004	C2004	4	Oct. 28	208-376-0363	PRES/Boise	$45	Mooney
Cracking the Code	E0034	4	Oct. 29	208-376-0363	PRES/Boise	$45	Mooney
CE CORE 2004	C2004	4	Nov. 12	208-769-3444	NIC/Post Falls	$39	Hatch
Americans with Disabilities & RE Practices	E0076	4	Nov. 12	208-769-3444	NIC/Post Falls	$39	Hatch
Environmental Issues & Real Estate Practice	E0071	4	Nov. 13	208-769-3444	NIC/Post Falls	$39	Hatch
Real Estate Finance	FI001S	30	Nov. 17-20	208-377-4300	Pioneer/Boise	$250	Clifton
Commercial Real Estate-ListingProperties	E0080	8	Nov. 22	208-377-4300	Pioneer/Boise	$65	Byers
CE CORE 2004	C2004	4	Nov. 23	208-377-4300	Pioneer/Boise	$45	Byers
CE CORE 2004	C2004	4	Nov. 25	208-376-0363	PRES/Boise	$45	Mooney
Cracking the Code	E0034	4	Nov. 26	208-376-0363	PRES/Boise	$45	Mooney
Business Conduct & Office Operations	BC001S	4	Dec. 3	208-334-3285	IREC/Nampa	$20	Mesaros
Rookie REALTOR®	E0101	16	Dec. 9-10	208-342-3585	IAR/Nampa	$125	Hanson
Commercial Real Estate-ListingProperties	E0080	8	Dec. 15	208-377-4300	Pioneer/Boise	$65	Byers
CE CORE 2004	C2004	4	Dec. 16	208-377-4300	Pioneer/Boise	$45	Byers
CE CORE 2004	C2004	4	Dec. 16	208-769-3444	NIC/Post Falls	$39	Albi
Title Insurance and Closing Issues	E0097	4	Dec. 16	208-769-3444	NIC/Post Falls	$39	Albi
Real Estate Broker/Salesperson Liabilities	E0057	4	Dec. 17	208-769-3444	NIC/Post Falls	$39	Albi
CE CORE 2004	C2004	4	Dec. 30	208-376-0363	PRES/Boise	$45	Mooney
Cracking the Code	E0034	4	Dec. 31	208-376-0363	PRES/Boise	$45	Mooney

Overview of 2004 Core Course

EFFECTIVE JULY 1, 2004-JUNE 30, 2005

Real Estate Hot Topics

- Environmental Issues
- Telephone Solicitation
- Advertising "Hot Topics"
- Americans With Disabilities Act
- Licensee's Personal Transactions
- Antitrust

Real Estate Case Law

- Encumbrances–Division For Mechanics/Materialman's Liens
- Government Controls–Spot Zoning
- Easements–Interference With Easement
- Water Rights–Littoral Rights-Navigation Permits, Easements & Interference With Easements
- Contracts–Remedies, Specific Performance, Statute Of Frauds, Legal Descriptions, Brokerage Representation Agreement, Attorney's Fees, Commercial Transaction
- Common Law Dedication
- Adverse Possession–Payment of Taxes

Legislative Changes

Simple Bills And Minor Changes

- HB 484–Basis Of Bearing Requirement
- HB 506–Property Tax Appeals
- HB 510–State Mineral Lands; Mineral Rights
- HB 516–Property Tax Relief, Procedures
- HB 523–Residential Mortgage, Federal Conformance Updates
- HB 539aas–Electric Services, Mitigation Costs
- HB 633–Water Rights, Forfeiture Exemptions
- HB 634–Irrigation, Rights-Of-Way & Adverse Possession Protection
- HB 649–Occupancy Tax, Manufactures Housing
- HB 739–Property Tax, Home owners Exemption
- HB 745–Water, Irrigation Canals & Diverted Water
- HB 755–Mineral Rights, Rejoining Severed Rights
- HB 756–Idaho Building Code Act
- HB 1241–Real Estate Brokers, Continuing Education & Instructors
- SB 1242–Real Estate Brokerage, Civil Penalty Fine Disposition
- SB 1246–Uniform Estate Tax Apportionment Act
- SB 1248–Uniform Probate Code
- SB 1250–Estates, Homestead Allowance Determinations
- SB 1251–Estates, Time Limits On Presentation Of Claims
- SB 1303–Probates, Filing Of Claims
- SB 1304–Homestead Rights, Limits Of Liability

More Involved Changes & New Laws

- SB 1240–Real Estate Brokerages – Assigned Agency
- SB 1389–Residential Mortgage Practices

Supply Order Form

Commission Use Only
Receipt #_____
Mailed _____

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 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**	**ubtotal**
2004 License Law & Rules Book		$1.88		
Agency Law In Idaho Brochure (25/pkg) Spanish ☐ English ☐ Revised Effective July 2004	1-4 pkg	$5.94ea		
	5-9 pkg	$4.46ea		
	10+ pkg	$2.97ea		
Business Conduct & Office Operations *correspondence course* (No tax)		$20.00		
Buyer Brokerage 4-hr elective *outline* (does NOT include exam)		$4.70		
C2004 Continuing Education Core tape *purchase*. (Includes 1 copy of outline, but does NOT include exam)	VHS	$60.00		
	Audio Tape	$60.00		
	Audio CD	$60.00		
	Video DVD	$60.00		
	Outline	$4.72		
Candidate Handbook		*Free*		
Consumer Brochure		*Free*		
Guidelines: Guideline number/title _____		*Free*		
Investigative & Hearing Process Brochure		*Free*		
License Manual		*Free*		
The Real Estatement		*Free*		

PART B: Shipping Information				
			Subtotal	
			6% Tax	
			Total	
Name				
Business Name & Address				
City	State	Zip		
Phone	Fax			
E-mail				

If your organization is tax exempt, you must include a copy of your tax-exempt form.

Important Notice Regarding Inactive Status and E&O Insurance Coverage

by Cindy Rice Grissom, Rice Insurance Services Company, LLC

If you place your license on inactive status, you need to be aware of special considerations regarding your Errors and Omissions insurance coverage. The current Idaho group policy provides: "In the event an Insured's license is placed on inactive status during a period in which the Insured has paid the applicable premium, the policy will remain in effect for the remainder of the Individual Policy Period as if the license had not been placed in inactive status, regardless of whether the license is reactivated, except that coverage will not be provided for acts, errors or omissions of the Insured Licensee which occur during the period when the license was in an inactive status."

The current group policy is written on a "claims-made and reported" basis. This means that coverage is provided only for those Claims that are made against you and reported to the insurance company in writing during the policy period. If you place your license on inactive status, you may still be eligible for limited coverage after the policy period. The current group policy provides: "In case of cancellation or non-renewal because an Insured Licensee retires, places license on inactive status or allows license to expire, the policy will apply to Claims first made against the Insured and reported to the Company up to ninety (90) days after the effective date of cancellation or non-renewal. Said ninety (90) day period will be hereinafter referred to as the Automatic Extended Reporting Period."

After you place your license inactive, you are not required by law to maintain your coverage. However, a prudent individual will maintain coverage in order to avoid personal liability for Claims made after expiration of the policy period. An Optional Extended Reporting Period Coverage, commonly known as "Tail Coverage" may be purchased to cause the policy to apply to Claims first made and reported up to three (3) years after the effective date of the cancellation or non-renewal. Tail Coverage can only be purchased within ninety (90) days after the licensee's policy has terminated. Tail Coverage is important because so many professional liability Claims are not made until months after the subject transaction occurs, and some may even be made years after the transaction.

The current group policy provides:

Coverage afforded by the Automatic and Optional Extended Reporting Periods:

1. Shall apply solely to Claims arising from a negligent act(s), error(s), or omission(s):

(a) committed or alleged to have been committed subsequent to the Retroactive Date, and

(b) which were committed or alleged to have been committed prior to the effective date of cancellation or non-renewal, and

(c) which are otherwise insured under all the other terms, conditions, and exclusions of this policy.

2. Shall not apply to any Claim which is insured by any other policy of insurance nor as excess above such other policy(ies) of insurance.

3. Nothing in Paragraphs A or B shall serve to reinstate or increase the Limits of Liability as provided in Insuring Agreement, Section II Limits of Liability. The Limits of Liability for any Extended Reporting Period shall be a part of, and not in addition to, the Limits of Liability listed on the Declarations.

The current group policy requires that the Claim be reported to the insurance company, in writing, during your policy period or any extended reporting period. The Insured must give written notice by submitting a completed Notice of Claim Form to the Company as soon as possible after the Claim is first made but in no event more than ninety (90) days after the Insured becomes aware of such Claim. Such written notice shall include the name of the licensee and shall include the time, place and details of the Claim. Failure to report a Claim in a timely manner could jeopardize the coverage provided by the policy. RISC utilizes a simple Claim reporting form which is located on its web site , however, for assistance in reporting a Claim, call 800-637-7319.

This information is for illustrative purposes only and is not a contract. It is intended to provide a general overview of the products and services offered. Only the policy can provide the actual terms, coverages, amounts, conditions and exclusions. This program is only available in Idaho.

Where's my mail?

We receive many inquiries from licensees regarding where mail from our office is being sent. For those who are actively licensed, the mail from the Commission office and the Group E&O insurance company is mailed to the address listed on the license, which is always the main company address. This means that if you do not check for your office mail, or if the main office does not forward mail to the unlicensed branch offices, important information such as license renewals, E&O insurance information, and Commission publications could be missed. This could ultimately result in fines and/or disciplinary actions.

For those who hold an inactive license, mail such as renewals and publications from the Commission office are sent to your home address. It is important that licensees file a change of home address with the Commission office when they move.

Disciplinary Actions

Formal actions issued by the Idaho Real Estate Commission:

Baty, Gary D., associate broker with Century 21 Greater Valley Properties Inc., in Twin Falls. Stipulated to violation of section 54-2023(1)(a) and 54-2060(10)-failure to complete CE in a timely manner. Given a formal reprimand, ordered to pay a civil fine of $250 and the costs and attorney's fees.

Beckstead, Scott L., designated broker with Scott Beckstead Real Estate Company in Preston. Stipulated to violations of Idaho Code sections 54-2051(4)(g)-failure to include legal description in Purchase & Sale Agreement; 54-2048(2)-failure to obtain signed closing statements; 54-2086(1)(b)-not exercising reasonable skill and care to insure title insurance was provided as per contract; 54-2086(1)(c)-not properly accounting for buyer's earnest money; 54-2086(1)(d)-failure to disclose an adverse material fact; 54-2060(3)-failure to account; 54-2060(4)-failure to keep adequate records; 54-2060(12)-gross negligence or reckless conduct; 54-2048(3)(b)-failure to obtain Seller's Representation Agreements. Given a formal reprimand, ordered to pay a civil fine of $2,750, required to pay the costs and attorney's fees, required to successfully complete a Real Estate Law course, and a live Business Conduct and Office Operations course.

Brocklebank, David S., associate broker with Bushell & Company, and formerly with River Run Realty in Sun Valley. Voluntary surrender and permanent termination of his real estate license.

Buddecke, David P., currently a sales associate with Cooper Norman Business Brokers & Advisors, LLC, in Twin Falls, but unlicensed at the time of the violations. Stipulated to a violation of Idaho Code section 54-2002 as described by 54-2004(7) and (29)(a)(c) &(d)-unlicensed real estate brokerage activity and acting as a broker without a license and subject to Idaho Code section 54-2059. Given a formal reprimand, ordered to pay a civil fine of $5,000 and required to pay the costs and attorney's fees.

Cooper Norman Business Brokers & Advisors, LLC, a licensed brokerage in Twin Falls, but unlicensed at the time of the violations. Stipulated to a violation of Idaho Code section 54-2002 as described by 54-2004(7) and (29)(a)(c) &(d)-unlicensed real estate brokerage activity and acting as a brokerage without a license and subject to Idaho Code section 54-2059. Given a formal reprimand, ordered to pay a civil fine of $5,000 and required to pay the costs and attorney's fees.

Drewett, Kerry, inactive sales associate previously associated with John L. Scott Boise, in Boise. Stipulated to violations of sections 54-2023(1)(a) and 54-2060(10) Idaho Code-failure to complete his continuing education in a timely manner. Given a formal reprimand, required to pay a civil fine of $250, and required to pay the costs and attorney's fees.

Ekstrom, Jan Louise, former designated broker for Janek Company in Sandpoint. Found in violation of sections 54-2044-failing to balance and reconcile her trust account; 54-2060(3)-failure to account for and remit money belonging to others; 54-2060(5)-failure to disclose information, books and records to the Real Estate Commission; 54-2060(12) -engaging in reckless conduct. Real estate license is revoked, required to pay costs and attorney's fees.

Erickson, Cathy J., designated broker with Lemhi River Realty in Hamilton, MT. Stipulated to violations of Idaho Code sections 54-2048(2) and (3)(a)-failure to have signed closing statements; 54-2048(3)(d)-failure to have a properly executed Buyer Representation Agreement; 54-2060(2)-continued or flagrant course of misrepresentation; 54-2060(3) -removing the seller's property, providing the roofing crew access to the property, and duplicating the house key, all without permission; 54-2060(11)-dishonest and dishonorable dealings; 54-2060(12)-gross negligence or reckless conduct; and 54-2086(1)(b) and (c)-having the property roofed despite instructions from the sellers and the listing broker not to. Given a formal reprimand, ordered to pay a civil fine of $2,250, required to pay the costs and attorney's fees, real estate license is suspended for a period of 2 years, however, the suspension is withheld provided she complies with the terms of the Final Order, including payment of the civil fine and costs, completion of the Real Estate Law course and Brokerage Management course, and that she does not commit any other violations of Idaho Real Estate License Law.

Gankema, Daryl Lee, sales associate with Coldwell Banker Schneidmiller Realty in Coeur d'Alene. Stipulated to violation of section 54-2060(7) Idaho Code-falsification of an application. Given a formal reprimand, required to pay a civil fine of $250 and the costs and attorney's fees; determined to be suitable for licensure under section 54-2012(1)(f) Idaho Code.

Lampman, Debra L., currently the associate broker with RE/MAX of Nampa/Caldwell and the former designated broker for RE/MAX of Nampa/Caldwell in Nampa. Stipulated to violation of section 54-2040(a)(h) Idaho Code and rule 402-use of a double contract. Given a formal reprimand, ordered to pay a civil fine of $3,500, and to pay the costs and attorney's fees; required to successfully complete a Brokerage Management course and a live Business Conduct and Office Operations class, and required to make five 15-minute presentations on the dangers of double

(continued on page 14)

In Memory...

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

Pauline Bingham, Nampa
Gary D. Buffi, Nampa
Joe Clayton, Idaho Falls
Carolyn Gotzinger, Riggins
Jack Hurley, Mountain Home
Gary L. Johnson, Boise
Joseph O. Lewis, Boise
Arthur Montano, Middleton
Laurence "Bernie" Moore, Nampa
Gary T. Mumford, Kuna
Gene L. Robertson, Salmon
Kathleen Stewart, Caldwell
Idella Young, Nampa
Robert Young, Nampa

(*Disciplinary from page 13*)

contracts.

Lampman, Douglas J., currently the designated broker with RE/MAX of Nampa/Caldwell in Nampa. Stipulated to violations of section 54-2040A(h), Idaho Code, and Rule 402-use of a double contract. Given a formal reprimand, ordered to pay a civil fine of $3,500.00, and required to pay costs and attorney's fees; required to successfully complete a Brokerage Management course and live Business Conduct & Office Operations course, and required to make five 15-minute presentations on the dangers of double contracting.

Lampman, Douglas J., designated broker with RE/MAX of Nampa/Caldwell in Nampa, and prior an associate broker with RE/MAX of Nampa/Caldwell. Stipulated to violation of section 54-2040(h) and rule 402-double contracting. Given a formal reprimand, required to pay a $2,500 civil fine, and ordered to pay the costs and attorney's fees; real estate license is suspended from May 1, 2004, until September 30, 2004.

Langer, Debbie, sales associate with Greylock Realty, Inc., in Boise, and previously with AV West in Boise. Stipulated to violation of section 54-2054(6) Idaho Code-failure to disclose to all parties that she was being paid a loan origination fee. Given a formal reprimand, ordered to pay a civil fine of $1,000, and costs and attorney's fees.

Lowe, Adam D., sales associate with Assist 2 Sell Buyers & Sellers Realty in Meridian. Stipulated to violations of sections 54-2087(2)-failure to exercise reasonable skill and care for his client; 54-2087(3)-failure to disclose an adverse material fact. Given a formal reprimand for his actions; required to pay a civil fine of $1,500, and costs and attorney's fees; required to successfully complete a Seller and Buyer Representation course.

Ryan, Charles B., sales associate with Century 21 Beutler & Associates in Coeur d'Alene. Stipulated to violations of Idaho Code sections 54-2085(4)-failure to complete the representation confirmation statement correctly; 54-2087(3)(a)-failure to disclose an adverse material fact. Given a formal reprimand, required to pay a civil fine of $5,000, ordered to pay the costs and attorney's fees, and required to successfully complete a Real Estate Law course.

Santi, Steffani L., sales associate with RE/MAX of Nampa/Caldwell in Nampa. Stipulated to violations of section 54-2040A(h), Idaho Code, and Rule 402-use of a double contract. Given a formal reprimand, ordered to pay a civil fine of $1,500, required to pay costs and attorney's fees of $500, required to successfully complete a Real Estate Finance course.

Slippy, Tina S., sales associate with RE/MAX West in Boise. Stipulated to violation of section 54-2023(1)(a) and 54-2060(10)-failure to complete continuing education in a timely manner. Given a formal reprimand, ordered to pay a civil fine of $250, and the costs and attorney's fees.

Stephenson, Troy P., sales associate formerly with Lazaris Realty in Boise. Stipulated to violations of Idaho Code sections 54-2023(1)(a)-failure to obtain required continuing education; 54-2060(7) and Commission administrative rule 406-misstatement on renewal of license. Given a formal reprimand, ordered to pay $250 civil fine, and costs and attorney's fees. Must complete continuing education prior to activation of license.

Wellmaker, Jeffrey Lyn, associate broker formerly with Coldwell Banker Schneidmiller Realty in Coeur d'Alene, and previously with Windermere Coeur d'Alene Realty in Coeur d'Alene. Voluntary surrender of his real estate license.

Wilson, Kenneth Crandle, associate broker formerly with Coldwell Banker Aspen Realty in Boise, formerly the designated broker with Ken Wilson & Associates in Nampa, and associate broker formerly with RE/MAX of Nampa/Caldwell in Nampa. Found to be in violation of Idaho Code sections 54-2086(1)(a)-failure to perform ministerial acts; 54-2086(1)(d)-failure to disclose adverse material fact; 54-2060(12)-gross negligence or reckless conduct; 54-2054(5) and 54-2060(8)-double contracting; 54-2051(1)(a)-failure to properly complete Seller Representation Agreement; 54-2060(2)-contin-

(continued on page 15)

How to Contact Us...

208-334-3285 phone
866-447-5411 toll free in Idaho
208-334-2050 fax
www.idahorealestatecommission.com

	Extension	*E-Mail Address*
Accounting		
Charlie Hendrix, Management Asst.	ext. 228	chendrix@irec.state.id.us
Administration		
Donna Jones, Executive Director	ext. 232	djones@irec.state.id.us
Kim Coster, Administrative Counsel	ext. 235	kcoster@irec.state.id.us
Joanna Marshall, ITT/Web Master	ext. 230	jmarshal@irec.state.id.us
Kathy Roller, Administrative Asst.	ext. 229	kroller@irec.state.id.us
Education		
Jill Randall, Education Director	ext. 234	jrandall@irec.state.id.us
Marty Gunter, Education Asst.	ext. 226	mgunter@irec.state.id.us
Jennifer Bonilla, Office Spec.	ext. 223	jbonilla@irec.state.id.us
Enforcement		
Terry Ruettgers, Chief Investigator	ext. 237	truettge@irec.state.id.us
Craig Boyack, Investigator	ext. 231	cboyack@irec.state.id.us
Nancy Mesaros, Inspector	ext. 236	nmesaros@irec.state.id.us
Stephanie McLarin, Enforcement Sec.	ext. 225	smclarin@irec.state.id.us
Licensing		
Neal Bernklau, Licensing Supervisor	ext. 227	nbernkla@irec.state.id.us
Pat Zaske, Office Specialist	ext. 224	pzaske@irec.state.id.us
Jennifer Bonilla, Office Spec.	ext. 223	jbonilla@irec.state.id.us

(*Disciplinary from page 14*)

ued or flagrant course of misrepresentation or making of false promises; 54-2060(11)-dishonest or dishonorable dealings; 54-2060(12)-gross negligence or reckless conduct (2nd count); 54-2087(3)(a)-failure to promote the best interest of his client in good faith, honest and fair dealings. Real estate license was revoked, ordered to pay $5,000 civil fine, and required to pay costs and attorney's fees.

Yearsley, Grant L., sales associate formerly associated with Valley Real Estate in Garden Valley. Stipulated to violation of section 54-2060(10) Idaho Code-failure to comply with a Commission Final Order. Real estate license revoked.

Yearsley, Linda K., designated broker formerly associated with Valley Real Estate in Garden Valley. Stipulated to violation of section 54-2060(10) Idaho Code-failure to comply with a Commission Final Order. Real estate license was revoked.

Designated brokers and salespersons issued a civil penalty fine for violation of 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:

Archibald, Nancy Louise, salesperson with RE/MAX Homestead Realty, in Idaho Falls. Civil penalty fine of $50.

Batchelder, Kristen Elinor, salesperson with Jackson Hole Real Estate & Appraisal, LLC, in Jackson Hole, WY. Civil penalty fine of $300.

Callies, Tricia A., designated broker with Boise Realty, Inc., in Boise. Civil penalty fine of $60.

Driver, Gary W., salesperson with Coldwell Banker North Country Realty, in Newport, WA. Civil penalty fine of $100.

Fielding, James David, salesperson with NAI Commerce One, branch office, in Idaho Falls. Civil penalty fine of $150.

Jensen, Alina Kay, salesperson with ERA West Wind, in Boise. Civil penalty fine of $300.

Judy, Toni M., salesperson with Century 21 Gem Realty, in Emmett. Civil penalty fine of $50.

Murphy, Shane R., salesperson with NAI Commerce One in Idaho Falls. Civil penalty fine of $100.

O'Brien, Sean Douglas, reciprocal designated broker with Snake River Properties, LLC, in Wilson, WY. Civil penalty fine of $70.

Rice, Dawn Renee, salesperson with John L. Scott POB, in Priest River. Civil penalty fine of $50.

Saunders, Stephen R., salesperson with Coldwell Banker Schneidmiller Realty, in Coeur d'Alene. Civil penalty fine of $50.

Skinner, Evan E., salesperson with Smith & Company Realty, in Montpelier. Civil penalty fine of $100. (2nd violation)

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.

Arnell, Guy E., designated broker with NAI Commerce One, in Idaho Falls. Civil penalty fine of $100.

Arnell, Guy E., designated broker with NAI Commerce One, in Burley. Civil penalty fine of $150.

Clifton, Maurice S., designated broker with ERA West Wind, in Boise. Civil penalty fine of $300.

Fields, Nancy J., designated broker with Century 21 Gem Realty, in Emmett. Civil penalty fine of $50.

Jones, Mary Ann, designated broker with John L. Scott POB, in Priest River. Civil penalty fine of $50.

Noble, Richard F., designated broker with Coldwell Banker North Country Realty, in Newport, WA. Civil penalty fine of $100.

Schneidmiller, Gary T., designated broker with Coldwell Banker Schneidmiller Realty, in Coeur d'Alene. Civil penalty fine of $50.

Smith, Dalan E., designated broker with Smith & Company Realty, in Montpelier. Civil penalty fine of $100.

Van Engelen, H. Craig, designated broker with Sel-Equity Real Estate, in Boise. Civil penalty fine of $150.

Veihman, David, designated broker with Jackson Hole Real Estate & Appraisal, LLC, in Jackson Hole, WY. Civil penalty fine of $300.

Vinnola, Greg V., designated broker with RE/MAX Homestead Realty, in Idaho Falls. Civil penalty fine of $50.

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

Blackburn, William C., designated broker with Middleton Realty, in Middleton.

Brown, Theresa M., designated broker with Valley Properties, in Rexburg.

Brown, Will G., designated broker with American Dream Realty, in Rupert.

Callies, Tricia A., designated broker with Boise Realty, Inc., in Boise.

Cooper, Judith F., designated broker with Twin Lakes Realty, in Rathdrum.

Feldtman, Stephen S., designated broker with Feldtman REALTORS®, in Twin Falls.

Gluch, Ann Elizabeth, designated broker with G & T Realty, in Glenns Ferry.

Graver, Timothy Charles, designated broker with Prime Commercial Real Estate in Garden City.

Hopkins, John J., designated broker with Fields & Hopkins Realtors, LLC, in McCall.

Horton, Philip, designated broker with Horton Homes, in Nampa.

Jenks, Rodney Leon, designated broker with Century 21 Advantage, in Idaho Falls.

(continued on page 16)

License Stats

(as of June 1, 2004)

Active (broker & sales)	6,400
Active brokers	1,804
Active sales	4,596
Inactive (broker & sales)	1,709
Inactive brokers	345
Inactive sales	1,364
Active Companies	1,070

(*Disciplinary from page 15*)

Jordan, R. Brad, designated broker with GMAC Real Estate Northwest, in Coeur d'Alene.

Keller, Michael T., designated broker with Thornton Oliver Keller, in Boise.

Korstad, Bruce, designated broker with United Country – Stubbs Realty, Inc., in Kuna.

Lampman, Douglas J., designated broker with RE/MAX of Nampa/ Caldwell, in Nampa.

Laraway, Lawrence C., designated broker with Coldwell Banker Aspen Realty, in Boise.

Leader, David E., designated broker with Heritage Realty, in Garden City.

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

Lytle, Koelean, designated broker with Century 21-Greater Valley Properties, in Twin Falls.

McGurkin, Angela Maria, designated broker with Moscow Realty, LLC, in Moscow.

McNally, J. Scott, designated broker with Snake River Real Estate, in Idaho Falls.

Musacchia, David Benedict, designated broker with Continental Real Estate, Inc., in Logan, Utah.

Reece, Robert, designated broker with ERA Archibald-Reece Real Estate, Inc., in Rigby.

Scott, Stanley H., designated broker with Scott's Desert Sun Realty Inc., in Mountain Home.

Stejer, James Albert, designated broker with Lifestyle Real Estate, in Priest River.

Streeter, O. Jack, designated broker with Streeter Real Estate, in Mountain Home.

Van Engelen, H. Craig, designated broker with Sel-Equity Real Estate, in Boise.

Vaudreuil Sr., Raymond R., designated broker with Hope Realty, in Coeur d'Alene.

Walker, Bryce N., designated broker with Emmett 1 Real Estate, in Emmett.

Wiegand, Diane Elizabeth, designated broker with Mountain Lakes Realty, Inc., in McCall.

Yates, Dennis L., designated broker with Help-U-Sell Snake River Valley, in Caldwell.

Zandersmith, Janet E., designated broker with Clark Real Estate, in McCall.

Firms, designated brokers, associate brokers and salespersons issued a civil penalty fine for violation of Commission Administrative Rule 121.03 - 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 by Section 54-2013, Idaho Code:

Agcom Real Estate, (Darwin B. VanderStelt, designated broker) in Nampa. Civil penalty fine of $50.

Anderson, Edward Francis, designated broker with Edward Anderson Broker, in Coeur d'Alene. Civil penalty fine of $50.

Andrews, Ron R., salesperson with Coldwell Banker Town & Country Real, in Lewiston. Civil penalty fine of $50.

Aslett, Ladona F., salesperson with Professional Realty Services, in Pocatello. Civil penalty fine of $50.

Austin, Christopher D., salesperson with Brandt Agency, in Nampa. Civil penalty fine of $50.

Bachmann, Steven L., salesperson with Realty Executives of Treasure Valley, in Meridian. Civil penalty fine of $50.

Bailey, Danny W. "Dan", salesperson with ABOB & Associates Realty, in Moscow. Civil penalty fine of $50.

Baldwin, Garth, designated broker with Baldwin Realty, in Eagle. Civil penalty fine of $50.

Barker, Doris T., salesperson with Century 21 Greater Valley Properties, Inc., in Twin Falls. Civil penalty fine of $50

Bartlett, Douglas M., salesperson with Idaho Real Estate Company, in Nampa. Civil penalty fine of $50.

Baumann, Charlie Jason, salesperson with The Brokerage, in Pocatello. Civil penalty fine of $100.

Beckstead, Scott L., designated broker with Scott Beckstead Real Estate Company, in Preston. Civil penalty fine of $50.

Beekley, Sonja Ahone, salesperson with Mountain Valley Properties LLC, in Boise. Civil penalty fine of $100.

Bell, Julie Patricia, salesperson with Momentum Real Estate, in Hailey. Civil penalty fine of $50.

Bench, Leslie E., salesperson with Hadden Realty, in Shoshone. Civil penalty fine of $50.

Bermensolo, Gary R., associate broker with Mountain Home Agency, in Mountain Home. Civil penalty fine of $50.

Beveridge, Donald J., salesperson with Treaty Rock Realty, Inc., in Post Falls. Civil penalty fine of $50.

Bistline, Stephen P., associate broker with Lake Country Real Estate: Top Dog, Inc., in Sandpoint. Civil penalty fine of $50.

Blessinger, Thomas David, salesperson with Team Realty, in Nampa. Civil penalty fine of $100.

Brackett, Barry L., associate broker with Canyonside Realty, Inc., GMAC Real Estate, in Jerome. Civil penalty fine of $50

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

Brumfield, Janie M., salesperson with Heartland Real Estate, Inc., in Blackfoot. Civil penalty fine of $50.

Cafferty, Danny M., designated broker with Danny M. Cafferty Realty, Inc., in Boise. Civil penalty fine of $50.

Caldwell, Roxann, associate broker with International Realty Plus of Idaho, in Coeur d'Alene. Civil penalty fine of $50.

Cameron, Karen E., associate broker with Outback Realty, LLC, in Island Park. Civil penalty fine of $50.

(continued on page 17)

Coming Soon

The July 2004 edition of the Idaho Real Estate License Law and Rules book will soon be mailed to all active and inactive licensees, so be sure to check your office mail. Or, if you are inactive and your home address has changed, be sure to notify the Commission office soon!

(*Disciplinary from page 16*)

Carr, Erica S., salesperson with Ernie Carr Real Estate, in Garden City. Civil penalty fine of $50.

Carr, Ernest W., designated broker with Ernie Carr Real Estate, in Garden City. Civil penalty fine of $100.

Carrow, Trula L., salesperson with Windermere Nampa/Caldwell, in Nampa. Civil penalty fine of $50.

Castaneda, Sylvestre, designated broker with Mission Mannor Realty, in Nampa. Civil penalty fine of $50.

Coffey, Kenneth Lawrence, salesperson with Windermere Real Estate/ Richard B. Smith, Inc., in Boise. Civil penalty fine of $50.

Condon, Laurel Jean, salesperson with Canyonside Realty, Inc., GMAC Real Estate, in Jerome. Civil penalty fine of $100.

Corcoran, John Thomas, salesperson with International Realty Plus of Idaho, in Coeur d'Alene. Civil penalty fine of $100.

Corcoran, Karen L., designated broker with International Realty Plus of Idaho, in Coeur d'Alene. Civil penalty fine of $100.

Cord, Robyn Lee, associate broker with Corey Barton Homes Sales & Marketing, Inc., in Nampa. Civil penalty fine of $50.

Cowan, Angela M., salesperson with International Realty Plus of Idaho, in Coeur d'Alene. Civil penalty fine of $50

Crawford, Mary Jo, salesperson with Future Techs R/E, in Caldwell. Civil penalty fine of $50.

Cummins, Terry D., salesperson with Magic Valley Realty, Inc., in Twin Falls. Civil penalty fine of $50.

Dean, Michael A., salesperson with ERA The Home Connection, in Pocatello. Civil penalty fine of $50.

Devore, Leland R., associate broker with Westerra Group, Inc., in Twin Falls. Civil penalty fine of $50.

Dick, John R., salesperson with Magic Valley Realty, Inc., in Twin Falls. Civil penalty fine of $100.

Dixon, Jason C., salesperson with ERA The Home Connection, in Pocatello. Civil penalty fine of $50.

Dorn, Sheryl C., salesperson with Realty One Baxter & Associates, in Boise. Civil penalty fine of $50.

Drinkard, Holly Kay, salesperson with Corey Barton Homes Sales & Marketing, Inc., in Meridian. Civil penalty fine of $100.

Driver, Craig Andrew, salesperson with RFR Properties LLC, in Boise. Civil penalty fine of $100.

Drougas, Ari C., salesperson with Sun Valley Real Estate, LLC, in Ketchum. Civil penalty fine of $50.

Dufva, Diane, salesperson with First Rate Real Estate, LLC, in Melba. Civil penalty fine of $50.

Duynslager, Patrick J., salesperson with Sel-Equity Real Estate, in Boise. Civil penalty fine of $50.

Edward, Robert W., designated broker with Idaho Falls Realty, in Idaho Falls. Civil penalty fine of $50.

Elliott III, Arthur George, salesperson with Windermere/Coeur d'Alene Realty, Inc., in Coeur d'Alene. Civil penalty fine of $100.

Emery, John R., designated broker with John R. Emery Realty, in Meridian. Civil penalty fine of $50.

Engle & Associates, LLC, (Matthew B. Engle, designated broker) in Sun Valley. Civil penalty fine of $80.

Engledow, Clinton W., salesperson with Kamiah Properties, in Kamiah. Civil penalty fine of $50.

ERA Archibald-Reece Real Estate Inc., (Robert D. Reece, designated broker), in Idaho Falls. Civil penalty fine of $270

Farley, Lita-Marie A., salesperson with Lake Country Real Estate: Top Dog, Inc., in Sandpoint. Civil penalty fine of $50.

Fields & Hopkins Realtors, LLC, (John J. Hopkins, designated broker) in McCall. Civil penalty fine of $120.

Flinders, Tom L., designated broker with Flinders Realty & Exchange, Inc., in Malad City. Civil penalty fine of $100.

Foster, Wanda M., designated broker with The Home Company Real Estate, Inc., in Twin Falls. Civil penalty fine of $50.

Geiger, Donald W., inactive broker in Post Falls. Civil penalty fine of $150.

George, Carol Jane, associate broker with Century 21 Greater Valley Properties, in Twin Falls. Civil penalty fine of $50.

Gibbs, Christopher D., associate broker with Lakeshore Realty, in Coeur d'Alene. Civil penalty fine of $50.

Gomez, Jose, salesperson with ERA H&H Properties, in Boise. Civil penalty fine of $100.

Gonzalez, Alice L., designated broker with Realm Properties, in Boise. Civil penalty fine of $100.

Goodman, Gregory J., salesperson with John L. Scott BOI, in Boise. Civil penalty fine of $50.

Green, Denise H., salesperson with Smith & Co. Realty, in Montpelier. Civil penalty fine of $50.

Grossman, Pirie, salesperson with Sun Valley Real Estate LLC, in Ketchum. Civil penalty fine of $100.

Gunther, Richard G., salesperson with Coldwell Banker Schneidmiller Realty, in Coeur d'Alene. Civil penalty fine of $100.

Hale, Kathleen E., salesperson with Canyonside Realty, Inc., GMAC Real Estate, in Jerome. Civil penalty fine of $50.

Harbor Village Realty, P.C., (John

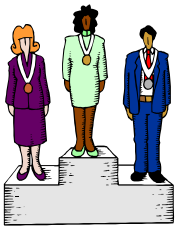
(continued on page 18)

Profile of the Ideal Licensee

(from IREC staff's perspective…)

Not every practice needs to be defined by law. The staff appreciates when licensees take the time to:

- Read the form, application, or letter thoroughly.
- Contact the Commission staff with any questions.
- Renew their license online and on time.
- Complete the Continuing Education Core Course every year.
- Be courteous when working with staff and understand we are just trying to do our job!



There are many licensees who practice these things and our hats are off to all of you! You make it a pleasure to work at the Real Estate Commission.

(*Disciplinary from page 17*)

H. Shoppe, designated broker) in Garden City, Ut. Civil penalty fine of $100.

Harding, Eugene Glen, associate broker with Selequity Real Estate, in Boise. Civil penalty fine of $50.

Hartigan, Nancy, salesperson with NAI Commerce One, in Idaho Falls. Civil penalty fine of $100.

Hartman, John Andrew, salesperson with Silver Heritage Realty, LLC, in Kellogg. Civil penalty fine of $50.

Help U Sell Team Realty, (Christine Italiano, designated broker) in Pocatello. Civil penalty fine of $100.

Hidden Springs Realty Co. LLC, (Frank A. Martin, designated broker) in Boise. Civil penalty fine of $50.

Holladay, E. Wayne, designated broker with Holladay Real Estate, in Rexburg. Civil penalty fine of $50.

Holt, James Brian, salesperson with Gem State Realty, Inc., in Twin Falls. Civil penalty fine of $50.

Hough, Jeff Scott, salesperson with Help-U-Sell Team Realty, in Pocatello. Civil penalty fine of $100.

House of Brokers Home Team, (Christian E. Hansen, designated broker) in Boise. Civil penalty fine of $80.

Howell, Brian R., salesperson with Metro Group Realty, in Boise. Civil penalty fine of $50.

Howell, Kelly J. "Jayce", salesperson with High Desert REALTORSâ GMAC Real Estate, in Idaho Falls. Civil penalty fine of $100.

Huffaker, Steven Dwayne, salesperson with Windermere/Coeur d'Alene Realty, Inc., in Coeur d'Alene.Civil penalty fine of $50.

Hult, Pamela Kaye, designated broker with Pam Hult Agency, in Boise. Civil penalty fine of $50.

Humphrey, Darrell Ray, salesperson with Windermere Nampa/Caldwell, in Nampa. Civil penalty fine of $50.

Hunemiller, Kelly J., salesperson with The Real Estate Group, in Meridian. Civil penalty fine of $100.

Hurds, Wendy Ann, salesperson with ERA H & H Properties, in Boise. Civil penalty fine of $50.

Hurlbutt, Jennifer N., salesperson with McCall Real Estate Co., in McCall. Civil penalty fine of $50.

Hyde, Judy Lyn, salesperson with Smith & Company Realty, in Montpelier. Civil penalty fine of $50.

Idaho Mountain Properties, Inc., (Carol A. Amburgy, designated broker), in Donnelly. Civil penalty fine of $100.

International Realty Plus of Idaho, (Karen L. Corcoran, designated broker) in Coeur d'Alene.Civil penalty fine of $220.

Italiano, Christine, designated broker with Help-U-Sell Team Realty, in Pocatello. Civil penalty fine of $100.

Jacobs, Michael C., associate broker with Hope Realty, in Post Falls. Civil penalty fine of $50.

Jonas, Dennis Dale, associate broker with ERA H&H Properties, in Boise. Civil penalty fine of $50.

Jones, David L., designated broker with David Jones, Broker, in Boise.Civil penalty fine of $50.

Jorgensen, Kim Neils, salesperson with The Home Specialist, LLC, in Pocatello. Civil penalty fine of $100.

Kangas, Janice E., salesperson with Clark Real Estate, in McCall. Civil penalty fine of $50.

Kiah, Robert M., designated broker with Live Oak Real Estate, in Boise. Civil penalty fine of $50.

Kildew, Kim R., salesperson with Danny M. Cafferty Realty, Inc., in Boise. Civil penalty fine of $50.

King, Donald R., salesperson with Century 21 Greater Valley Properties, Inc., in Twin Falls. Civil penalty fine of $50.

Kirkman, Jerald "Jerry" R., salesperson with Greylock Realty, in Boise. Civil penalty fine of $100.

Kneadler, Benjamin M., salesperson with Mark Bottles Real Estate Services, LLC, in Boise. Civil penalty fine of $100.

Knight, Donna M., designated broker with Knight Realty, in Kamiah. Civil penalty fine of $60.

Kohntopp, Steven W., designated broker with Magic Valley Realty Inc., in Twin Falls. Civil penalty fine of $50.

Lanum, Betty J., designated broker with Idaho Real Estate Company, in Nampa. Civil penalty fine of $50.

Larsen, Carlena A. "Cari", salesperson with Hailey Realty Inc., in Hailey. Civil penalty fine of $100.

Lewis, Patrick J., salesperson with Century 21 Greater Valley Properties, Inc., in Twin Falls. Civil penalty fine of $50.

Lloyd, Paul, salesperson with Westerra Group, Inc., in Twin Falls. Civil penalty fine of $50.

Lockhart, Brent Lamar, salesperson with Coldwell Banker Schneidmiller Realty, in Coeur d'Alene. Civil penalty fine of $100.

Long, Randy Scott, salesperson with Ski Country Idaho, in Ketchum. Civil penalty fine of $50.

Lubcke, Barbara J., salesperson with Garden Valley Properties, LLC, in Garden Valley. Civil penalty fine of $50.

Manwaring, Jeremy J., salesperson with Home Pointe real Estate, LLC, in Idaho Falls. Civil penalty fine of $50.

Manwaring, Joshua B., salesperson with Re/Max West, in Boise. Civil penalty fine of $50.

Martin, Frank A., designated broker with Hidden Springs Realty Co. LLC, in Boise. Civil penalty fine of $50.

Masten, William N. "Bill", salesperson with Jim Swank Real Estate, in Mountain Home. Civil penalty fine of $50.

McBride, Kent C., designated broker with Sun Valley Properties & Insurance–Shoshone, in Shoshone. Civil penalty fine of $50.

McCormick, Suzanne, salesperson with The Brokerage, in Pocatello. Civil penalty fine of $50.

McKelvey, Danny D. "Kip, salesperson with Magic Valley Realty Inc., in Twin Falls. Civil penalty fine of $100.

McMurray, John C., salesperson with Lakeshore Realty, in Coeur d'Alene. Civil penalty fine of $50.

McNally J. Scott, designated broker with Snake River Real Estate, in Idaho Falls. Civil penalty fine of $100.

Middleton, William C., salesperson with Greylock Realty, in Boise.Civil

(continued on page 19)

As of July 1, 2004 the Agency Law in Idaho (Blue) Brochure will be completely revised. All other versions (July 2003 and earlier) will be *obsolete*!

(*Disciplinary from page 18*)

penalty fine of $100.

Miller, Steve T., salesperson with Help-U-Sell Snake River Valley, LLC, in Caldwell. Civil penalty fine of $50.

Mitcham, Thomas T. "Tom", salesperson with Windermere Real Estate/Richard B. Smith, Inc., in Boise. Civil penalty fine of $100.

Moggridge, Kip F., salesperson with Arthur Berry & Co., in Boise. Civil penalty fine of $100.

Moller, David A., associate broker with Advantage 1 Realty, in Burley. Civil penalty fine of $50.

Morgan, Matthew E., salesperson with William Morgan Real Estate, Inc., in Nampa. Civil penalty fine of $50.

Morris, Laura B., salesperson with Sel-Equity Real Estate, in Boise. Civil penalty fine of $50.

Morrow, Edward Joseph, salesperson with Re/Max of Spokane, in Spokane, Wa. Civil penalty fine of $100.

Murphy, Shane R., salesperson previously with NAI Commerce One, in Idaho Falls. Civil penalty fine of $50.

Mylander, Roger H., salesperson with Team Realty, in Nampa. Civil penalty fine of $50.

Nelson, Randy R., salesperson with John L Scott POB: J&J General Contractors, Inc., in Priest River. Civil penalty fine of $50.

Newberry, Bryan D., salesperson with Canyonside Realty Inc., in Jerome. Civil penalty fine of $50.

Nichols, Joseph K., associate broker with Windermere/Coeur d'Alene Realty, Inc., in Coeur d'Alene. Civil penalty fine of $100.

Nielsen, Margaret J., salesperson with Century 21 Greater Valley Properties, Inc., in Twin Falls. Civil penalty fine of $50.

Overstreet, Lisa S., salesperson with Windermere Real Estate/Richard B. Smith Inc., in Boise. Civil penalty fine of $50.

Paller, Jane M., designated broker with Paller & Associates, in Emmett. Civil penalty fine of $50.

Papero, Chris Richard, salesperson with Windermere Real Estate/Richard B. Smith Inc., in Boise. Civil penalty fine of $100.

Parker, Christine Ann, salesperson with Sun Valley Properties, in Shoshone. Civil penalty fine of $50.

Parker, Russell A. "Rusty", associate broker with Sun Valley Properties, in Shoshone. Civil penalty fine of $50.

Parrish, Christopher B., salesperson with Re/Max West, in Boise. Civil penalty fine of $50

Parsons, Robert Dean, designated broker with Ridgewood Realty LLC, in Boise. Civil penalty fine of $100.

Patterson, Lester O., salesperson with Triple 7 Realty, in Gooding. Civil penalty fine of $50.

Paulin, Laura Linda, salesperson with Waldo Real Estate, in New Plymouth. Civil penalty fine of $100.

Payne, Marla J., designated broker with Outback Realty, LLC, in Island Park. Civil penalty fine of $50.

Pearson, Joseph W., salesperson with Windermere Nampa/Caldwell, in Nampa. Civil penalty fine of $100.

Perttu, Cynthia C., designated broker with Results Realty, in Lewiston. Civil penalty fine of $50.

Peterson, Kristian A., salesperson with Windermere Capital Group Commercial, Inc., in Boise. Civil penalty fine of $50.

Phillips, Harry Hugh, salesperson with Century 21 Greater Valley Properties, Inc., in Twin Falls. Civil penalty fine of $50.

Powell, Roberta E., salesperson with Double Eagle Realty, in Meridian. Civil penalty fine of $50.

Pratt, Lavina, designated broker with Eagle Hills Properties, in Eagle. Civil penalty fine of $50.

Probst, Allan D., salesperson with Flinders Realty & Exchange Inc., in Malad City. Civil penalty fine of $50.

Randel Jr., Garrett V H "Gary", salesperson with Danny M Cafferty Realty, Inc., in Boise. Civil penalty fine of $50.

Raymond, Jeffrey D., salesperson with Coldwell Banker Schneidmiller Realty, in Coeur d'Alene. Civil penalty fine of $50.

RE/MAX of Spokane, (William W. Main IV, designated broker) in Spokane, WA. Civil penalty fine of $140.

Results Realty, (Cynthia C. Perttu, designated broker) in Lewiston. Civil penalty fine of $50.

Ridgewood Realty LLC, (Robert Dean Parsons, designated broker) in Boise. Civil penalty fine of $100.

Rindfleisch, Jerilyn, salesperson with The Realty Company, in Blackfoot. Civil penalty fine of $50.

Roach, Howard L., associate broker with Treaty Rock Realty, Inc., in Post Falls. Civil penalty fine of $50.

Robertson, Harry Wayne, salesperson with International Realty Plus Of Idaho, in Coeur d'Alene. Civil penalty fine of $50.

Rodriguez, Hipolito M. "Martin", salesperson with Windermere Nampa/Caldwell, in Nampa. Civil penalty fine of $50.

Roest, Herman "Herm", salesperson with Agcom Real Estate, in Nampa. Civil penalty fine of $50.

Rogan, Elizabeth S., salesperson with RE/MAX West, in Boise.Civil penalty fine of $50.

Rogan, Joseph V., salesperson with RE/MAX West, in Boise.Civil penalty fine of $50.

Ross, Bonny J., designated broker with Canyonside Realty, Inc., GMAC Real Estate, in Jerome. Civil penalty fine of $50,

Ross, David J., salesperson with Canyonside Realty, Inc., GMAC Real Estate, in Jerome. Civil penalty fine of $50.

Roth, Craig M., salesperson with Roth Real Estate, in Sun Valley. Civil penalty fine of $100.

Sanchez, Evelyn Mary, salesperson with Westerra Group, Inc. in Twin Falls. Civil penalty fine of $50.

Sandpoint.Com Real Estate, (Marjorie S. Stevens, designated broker), in Sandpoint. Civil penalty fine of $60.

Schlader, Donald Lewis, salesperson with Help U Sell Team Realty, in Pocatello. Civil penalty fine of $100.

Schlader, Dorothy Grace, sales-

(continued on page 20)

Have you been to our website?

www.idahorealestatecommission.com

(*Disciplinary from page 19*)

person with Help U Sell Team Realty, in Pocatello.Civil penalty fine of $100.

Schweitzer, Joy C., salesperson with Gold Key Real Estate, in Boise. Civil penalty fine of $50.

Seymour, Ashley D., associate broker with The Lawson Company Real Estate Professionals, LLC, in Boise. Civil penalty fine of $50.

Shea, Lorraine "Lori" E., salesperson with American Realty West, Inc., in Driggs. Civil penalty fine of $50.

Sherman-Kauf, Patti Lynn, salesperson with Teton Springs Realty, LLC, in Victor. Civil penalty fine of $50.

Shoppe, John H., designated broker with Harbor Village Realty P.C., in Garden City, Utah. Civil penalty fine of $100.

Shryne, Dalia, salesperson with Corey Barton Homes Sales & Marketing, Inc., in Nampa. Civil penalty fine of $50.

Sidell, Tracy Bettina, salesperson with RE/MAX West, in Boise. Civil penalty fine of $50.

Snodgrass, Richard K. "Rick", salesperson with Idaho Real Estate Company, Inc., in Nampa. Civil penalty fine of $50.

Staker, Everon Lee, salesperson with Home Pointe Real Estate LLC, in Idaho Falls. Civil penalty fine of $50.

Stapleton, Nancy J., salesperson with Lake Country Real Estate, in Sandpoint. Civil penalty fine of $50.

Steninger, Margaret L., salesperson with Windermere Nampa/Caldwell, in Nampa. Civil penalty fine of $50.

Stranger, Brian C., salesperson with Lakeshore Realty LLC, in Coeur d'Alene. Civil penalty fine of $100.

Streeter, O. Jack, designated broker with Streeter Real Estate, in Mountain Home. Civil penalty fine of $100.

Sweaney, Geraldine, salesperson with The Preferred Company, in Caldwell. Civil penalty fine of $50.

Sweaney, Richard J., salesperson with The Preferred Company, in Caldwell. Civil penalty fine of $50.

Tabar, William J., designated broker with Business Resource Center, in Ogden, Utah. Civil penalty fine of $50.

Tattersall, Justin G., reciprocal salesperson with Snake River Properties, LLC, in Wilson Wyoming. Civil penalty fine of $50.

Tauber, Cassandra "Cassie" A., salesperson with Inland Northwest Realty, Inc., in Sandpoint. Civil penalty fine of $50.

Teton Real Estate Inc., (Jamie K. Wise, designated broker), in Victor. Civil penalty fine of $50.

Tews, M. Elizabeth, salesperson with Canyonside Realty, Inc., GMAC Real Estate, in Jerome. Civil penalty fine of $50.

Thaler, Lisa Michelle, managing salesperson with Lifestyle Real Estate, in Coeur d'Alene. Civil penalty fine of $50.

Thomas, Paul David, salesperson with Jane C. Reiser Realty, in Boise. Civil penalty fine of $50.

Trimble, Steve R., salesperson with Windermere Real Estate/Capital Group, Inc., in Boise. Civil penalty fine of $50.

Tschacher, Darell R., designated broker with Darell R. Tschacher, in Eagle. Civil penalty fine of $50.

Vander Stelt, Darwin B., designated broker with Agcom Real Estate, in Nampa. Civil penalty fine of $50.

Verbarendse, Kathleen M., associate broker with Robnett Properties, Inc., in Meridian. Civil penalty fine of $50.

Waddell, Sarah Margaret, salesperson with Windermere Real Estate/ Richard B. Smith, Inc., in Boise. Civil penalty fine of $50.

Ward, Chad V., designated broker with Chad V. Ward Real Estate Company, in Boise. Civil penalty fine of $50.

Ward, Douglas P., designated broker with Sundance Realty, in Bayview. Civil penalty fine of $60.

Ward, Earl E., salesperson with Canyonside Realty, Inc., GMAC Real Estate, in Jerome. Civil penalty fine of $50.

Warr, Michael K., salesperson with Re/Max Advantage, in Nampa. Civil penalty fine of $50.

Watt, Dorene, salesperson with Harbor Village Realty P.C., in Garden City Utah. Civil penalty fine of $50.

Wellmaker, Loretta "Janea", salesperson with International Realty Plus of Idaho, in Coeur d'Alene. Civil penalty fine of $50.

Whipple Sr., Donald Brent, salesperson with Coldwell Banker Town & Country REALTORS®, in Lewiston. Civil penalty fine of $50.

Wilde, Eric A., salesperson with Jim Swank Real Estate, in Mountain Home. Civil penalty fine of $100.

Wise, Jamie K., designated broker with Teton Real Estate Inc., in Victor. Civil penalty fine of $50.

Wood, Linda Crist, salesperson with McCall Real Estate Co., in McCall. Civil penalty fine of $50.

Wylie, Jonathan James "Jon", reciprocal salesperson with Live Water Properties, LLC, in Jackson, Wy. Civil penalty fine of $50.

Wylie, Ladell Scott, salesperson with Preferred Properties: Hasselbring Enterprises, Inc., in Blackfoot. Civil penalty fine of $50.

Young, Trevor R., salesperson with Bennett & Associates Real Estate, in Moscow. Civil penalty fine of $50.

Zachow, Cynthia A., salesperson with Land Exchange Real Estate, in Salmon. Civil penalty fine of $50.

License Lottery Update

Just a reminder that if you renew your license online through the Idaho Real Estate Commission (IREC) and the state of Idaho's official web portal, Access Idaho, you will be automatically entered into a monthly drawing for a free license renewal (up to a $200 value). If you are renewing an active license you can be entered a second time by successfully printing your active license online.

Simply visit the IREC homepage, 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.

Remember: Only licenses renewed online are entered into the lottery.

For more information about the license renewal giveaways, contact Neal Bernklau at ext. 227, or nbernkla@irec.state.id.us.

What to Look For in Any Agreement for Agency Representation

Whatever type of representation you choose, your written Agency Representation Agreement should answer these questions:

- How will the brokerage be paid?
- When will this Agreement expire?
- What happens when a transaction is completed?
- Can I cancel the Agreement, and if so, how?
- Can I work with other brokerages during the time of the Agreement? And what happens if I sell or buy on my own?
- Am I willing to allow this brokerage to represent me and the other party in the same transaction?

Real Estate Licensees Are Not Inspectors

Even if you have a written agreement for agency representation, you should ***not*** expect the brokerage or its licensees to conduct an independent inspection of the property, or to independently verify any statement or representation made by any party to the transaction or other reasonably reliable sources (such as a licensed appraiser, home inspector, or the county assessors office). Real estate licensees are entitled to reasonably rely on the statements of their clients and other third-party sources. ***If the condition of the property is important to you, you should hire an appropriate professional, such as a home inspector, surveyor, or engineer.***

Idaho Real Estate Brokerage Representation Act

The specific duties owed by the real estate brokerage and its licensees to a customer or client are defined by the "Idaho Real Estate Brokerage Representation Act," located at Idaho Code Section 54-2052, et seq.

When you sign a real estate Purchase and Sale Agreement, as a buyer or seller, you will be asked to confirm:

(1) that this brochure was given to you, and that you have read and understand its contents; and

(2) the agency relationship, if any, between you and the brokerage working with you.

Costs associated with this publication are available from the Idaho Real Estate Commission in accordance with section 60-202, I.C.—6-1-04/150k/429.

If you have any questions about the information in this brochure, contact:

Idaho Real Estate Commission
633 N. 4th Street
P.O. Box 83720
Boise, ID 83720-0077
(208) 334-3285
Toll free in Idaho (866) 447-5411
Fax (208) 334-2050
TRS (800) 377-3529
www.idahorealestatecommission.com

AGENCY LAW IN IDAHO

A real estate brokerage and its licensees can provide buyers and sellers valuable real estate services, whether in the form of basic customer services, or at a higher level by providing Agency Representation. The services you can expect will depend upon the legal relationship you define with the brokerage.

Effective July 1, 2004

Right Now You Are A Customer

The law requires ***all*** real estate licensees to perform certain ***basic duties*** when dealing with ***any*** real estate buyer or seller. You can expect ***any*** real estate licensee you deal with to provide the following "customer-level" services:

- ✔To perform necessary and customary acts to assist you in the purchase or sale of real estate;
- ✔To perform these acts in good faith and with reasonable care;
- ✔To properly account for money or other property you place in his or her care; and
- ✔To disclose "adverse material facts" which are, or should be, within that licensee's knowledge. These include facts that would significantly affect the desirability or value of the property to a reasonable person, and facts that would indicate to a reasonable person that one of the parties cannot, or will not, complete his obligations under the contract. (Note: Idaho law exempts "psychological" impacts from this disclosure requirement. *See* Section 55-2701, Idaho Code).

Unless or until you enter a written agreement with the brokerage for agency representation, you are considered a "Customer" of the brokerage, and the brokerage will not act as your agent. As a Customer, you should not expect the brokerage or its licensees to promote your best interest, or to keep your bargaining information confidential.

Remember!

Unless you enter a ***written agreement*** for Agency Representation, you will NOT be represented at all.

Whenever you speak to a licensee who represents a party on the other side of the transaction, (e.g., you are seeking to buy the property, and the licensee represents the seller), you should assume that any information you provide ***will be*** shared with the other party.

You May Become A Client

If offered by the real estate brokerage, you may enter a written agreement for "Agency Representation," requiring that the brokerage and its licensees act as an "Agent" on your behalf and promote your best interests as their "Client." Idaho law authorizes three types of Agency Representation.

Single Agency

If you enter a written agreement for Agency Representation, you, as a Client, can expect the real estate brokerage to provide the following services, in addition to the basic duties and obligations required of all licensees:

- ✔To perform the terms of your written agreement with skill and care;
- ✔To promote your best interest, in good faith, honesty and fair dealing:
  - ***If you are the seller,*** this includes seeking a buyer to purchase your property at a price and under terms and conditions acceptable to you, and assisting in the negotiation thereof; and, upon your written request, asking for reasonable proof of a prospective buyer's financial ability to purchase your property;
  - ***If you are the buyer***, this includes seeking a property to purchase at an acceptable price, terms and conditions, and assisting in the negotiation thereof; and, when appropriate, advising you to obtain professional inspections of the property, or to seek appropriate tax, legal and other professional advice or counsel.
- ✔To maintain the confidentiality of specific client information, including bargaining information, even after the representation has ended.

Limited Dual Agency

At the time you enter an agreement for Agency Representation, you may be asked to give written consent allowing the brokerage to represent both you and the other party in a transaction. This "dual agency" situation can arise when, for example, the brokerage that represents you, the seller, also represents buyers who may be interested in purchasing your property. When this occurs, it is necessary that the brokerage's representation duties be "limited" because a buyer and seller have built-in conflicts of interest. Most significantly, the buyer typically wants the property at the lowest price, while the seller wants top dollar. ***As a "limited dual agent," the brokerage and its licensees cannot advocate on behalf of one client over the other, and cannot disclose confidential client information concerning price negotiations, terms or factors motivating the client/buyer to buy or the client/seller to sell***. However, the brokerage must otherwise promote the best interests of both parties, perform the terms of the written representation agreement with skill and care, and perform all other duties required by law.

Buyers and sellers alike often find it desirable to consent to limited dual agency: buyers do not want the brokerage to be restricted in the search for suitable properties, and sellers do not want the brokerage to be restricted in the search for suitable buyers. Thus, when all parties agree in writing, a brokerage may legally represent both the buyer and the seller in the same transaction, but only as a "***limited dual agent***."

Limited Dual Agency with Assigned Agents

In some situations, a brokerage that has obtained consent to represent both parties as a limited dual agent may assign individual licensees ("sales associates") to act solely on behalf of each party. (The brokerage must have an office policy that ensures client confidences are protected.) Where this is the case, the sales associate, or "assigned agent," is not limited by the brokerage's agency relationship with the other party, but instead has a duty to promote the best interest of the client that he or she is assigned to represent, including negotiating a price. The designated broker (the licensee who supervises the sales associates in the brokerage firm) remains a limited dual agent for both clients, and ensures the assigned agents fulfill their duties to their respective clients.

RECEIPT ACKNOWLEDGED

Your signature below indicates only the **receipt** of the Idaho Real Estate Commission's brochure titled "Agency Law in Idaho." Each brokerage shall keep a signed and dated record of a buyer or seller's receipt of the agency disclosure brochure. §54-2085

Signature _____ *Date* _____

Signature _____ *Date* _____

Website Security

by Jeff Walker, Access Idaho

Strong precautions are taken to protect the information of the users of the Commission's website. When users submit sensitive information via the Site, that information is protected both online and off-line.

We take credit card and personal information security seriously and use a variety of technical solutions to make license renewals safe at our Site. Furthermore, your information is encrypted and is protected utilizing the industry standard Secure Sockets Layer (SSL) encryption software. While on a secure page, the lock icon on the bottom of the Web browsers such as Netscape Navigator and Microsoft Internet Explorer becomes locked, as opposed to unlocked, when you are just 'surfing'.

The page you are viewing when renewing your license or making a credit card payment is encrypted before being transmitted over the Internet. Encryption makes it very difficult for unauthorized people to view information traveling between computers. It is there fore very unlikely that anyone read this page as it traveled across the network. Also, the identity of the IREC web site has been verified by Thawte Consulting cc, and a certificate of authority issued for the purpose of ecommerce security.

Technical Information

The IREC license renewal site ensures the identity of a remote computer using HyperText Transfer Protocol with Privacy SSL 3.0, RC4 with 128 bit encryption (High); RSA with 1024 bit exchange HyperText Transfer Protocol with Privacy. You can see that the service is housed on a secure service by looking for the "https" at the beginning of a web address. The "s" at the end of the "http" signals the use of a secure server with SSL encryption software.

Quiz Answers

(from page 5)

1. TRUE
2. FALSE
3. FALSE
4. FALSE
5. FALSE

Environmental Update

by Kara Stevens, Bureau of Community & Environmental Health

Indoor Air Quality Presentation offered to REALTOR® Boards

In January 2004, a letter was sent out to all REALTOR® boards around the state letting them know about the services Kara Stevens' program offers to Idaho's licensees, including a short presentation and educational materials on radon, mold, and lead. In response, she received a request from 13 of those boards to speak at one of their monthly meetings. To date, she has presented to 8 boards with an attendance of over 200 REALTORS®. Feedback has been very favorable. For more information, or to schedule a presentation, call Kara at 1-800-445-8647.

New Radon brochure and video available.

The IIEP announces the availability of a new point of sale brochure for licensees and their clients entitled, "Dealing with Radon in Real Estate Transactions". The key message is if you like a home, buy it. Radon can be reduced either before or after the sale. The brochure was designed with input from practicing licensees as well as scientists and technicians. Free copies are available by calling 1-800-445-8647.

A 20-minute video has also been developed for buyers that have identified a concern and want good, detailed information. The video covers why radon is a concern in Idaho and elsewhere, as well as how it is reliably measured, with detailed footage on mitigation techniques for both new and existing homes. Limited copies of the video are available by calling 1-800-445-8647.

"Excellence in Education" Award Goes to Gene Galloway

The Education Council presented the Excellence in Education award to Mr. Gene Galloway on Tuesday, May 18, 2004, at the Train the Trainer Workshop. Gene has been a certified instructor since 1984. During that time he has taught at schools throughout Eastern Idaho. In Addition, Gene served on the Real Estate Education Council from July 1995 to July 2003. Congratulations, Gene!

HONOR ROLL

Offices with *NO* Audit Violations!

(from November 1, 2003, through April 30, 2004)

Office Audits Conducted	124
Offices With No Violations	25

*Limited Volume Office

Edward Adolfson, Cedar Hills Realty, Firth
Michael Anderson, McCall Real Estate Co., McCall
Frederick Bartel, Metro Group Realty, Burley
Shelley Bennett, Bennett & Assoc. Real Estate, Moscow
Joan Brawley, Brawley Realty, Twin Falls
Marvice Brice, Advantage 1 Realty, Burley
F. Jim Brown, Brown Realty, Paul
Gail Byers, Gail Byers Real Estate, Moscow
Maurice Clifton, ERA West Wind, Boise
David Engen, Engen Realty, McCall
Jack Hurley, Cornerstone Real Estate, Mountain Home
Christine Italiano, Help-U-Sell Realty H&H Team, Pocatello
Michael Jacobson, A-One Realty, Boise*
Craig Johnson, Coldwell Banker Johnson & Co., McCall
Virginia "Gini" Johnson, RE/MAX Castlerock Realty, Mountain Home
Robert Jones, Robert Jones Realty, Twin Falls
Steven Kohntopp, Magic Valley Realty, Twin Falls
William Morscheck, Tomlinson Black Assoc., Moscow
David O'Brien, Cascade Lake Realty, Cascade
Robert Smith, Mountain West Realty, Boise
Shaun Tracy, RE/MAX Mountain West, McCall
Teena Turner, Evans Realty, Emmett
Marva Walters, Landmark Realty, Jerome
Clifford Whitsitt, Whitsitt Real Estate Company, Boise
Charles "Chuck" Winder, The Winder Co., Boise*

What's new with the Idaho Real Estate Commission

The Real Estatement

Vol. 23 No. 2 July 2004

Published semiannually by:
Idaho Real Estate Commission
P.O. Box 83720
Boise, Idaho 83720-0077

PRSRT STD
U.S. POSTAGE
PAID
PERMIT NO. 1
BOISE, ID