

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
March 17, 2016**

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at 575 E. Parkcenter Blvd., Suite 180, Boise, Idaho on Thursday, March 17, 2016 at 8:30 a.m.

Commission Members Present:

Marvis Brice, Chair, Burley
Mike Gamblin, Vice Chair, Boise
Michael James Johnston, Member, Idaho Falls
Kathy Weber, Member, Moscow
Comprising a quorum of the Commission

Members Absent:

Staff Present:

Jeanne Jackson-Heim, Executive Director
MiChell Bird, Licensing & Education Director
Craig Boyack, Chief Investigator
Jesama Rosensweig, Technical Records Specialist 2

Others Present:

Maurie Ellsworth, Commission's Legal Counsel
LaDawn Anderst, CEO, Idaho REALTORS®
See attached list

Introductions:

- a. Commissioners
- b. Staff
- c. Guests

Meeting was called to order at 8:30 a.m. MT by Commission Chair Marvis Brice.

Approval of Meeting Minutes:

Motion was made by Mike Gamblin to approve the January 21, 2016 and February 4, 2016 Commission meeting minutes. Motion carried.

Employee Recognition – 15 Years of Service: Commission Chair Marvis Brice presented Craig Boyack with a certificate in recognition of his 15 years of service to the State of Idaho and Idaho Real Estate Commission.

Staff Reports:

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

- **January/February Financial Reports**
- **FY15-FY16 License Base Analysis**

Motion carried. Mike Gamblin further moved that Marvis Brice, as Commission Chair, be authorized to sign the Order on behalf of the Commission. Motion carried. A copy of the Order on Costs and Attorney's Fees is attached hereto and made a part of these minutes.

Stipulations:

Staff vs. Jason Hawkins and Busy Bee Realty:

Staff vs. Elias Trejo:

Staff vs. Tiani Shoemaker:

The parties' Stipulations in this matter were presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulations. No other testimony was taken.

Motion was made by Mike Gamblin to approve the Stipulations as presented and to enter "Final Orders" in accordance with the terms of the Stipulations. Motion carried. Copies of the Final Orders are attached hereto and made a part of these minutes.

Staff vs. Robert Van Allen:

Staff vs. Jarron Kent Langston:

The parties' Stipulations in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulations. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulations as presented and to enter "Final Orders" in accordance with the terms of the Stipulations. Motion carried. Copies of the Final Orders are attached hereto and made a part of these minutes.

Staff vs. Robert Zagarello:

Staff vs. Betty J. Lanum:

The parties' Stipulations in this matter were presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulations. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulations as presented and to enter "Final Orders" in accordance with the terms of the Stipulations. Motion carried. Copies of the Final Orders are attached hereto and made a part of these minutes.

Staff vs. Jennifer Lee "Jenny" Jarvis:

The parties' Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken.

Motion was made by Kathy Weber to approve the Stipulation as presented and to enter a "Final Order" in accordance with the terms of the Stipulation. Motion carried. A copy of the Final Order is attached hereto and made a part of these minutes.

Reports on Investigative File:

Probable Cause Memo #12-0082, 12-0083, 12-0084, 12-0124, 12-0302, and 12-0303 (continued from January 21, 2016 meeting): A motion was made by Kathy Weber finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Kathy Weber further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order," a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Probable Cause Memo #15-0048: A motion was made by Kathy Weber finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file administrative complaints. Kathy Weber further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order," a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Probable Cause Memo #15-0121: A motion was made by Kathy Weber finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Kathy Weber further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The Hearing Officer shall have the standard authority set forth in chapter 2 of the Commission's administrative rules, IDAPA 33.01.02.452. Further, for any hearing held, with or without a hearing officer, the Notice of Hearing shall be issued in accordance with the Commission's "Standard Form for Notice of Hearing and Scheduling Order," a copy of which shall be provided to any hearing officer upon appointment. Motion carried.

Probable Cause Memo #15-0174, 15-0175, 15-0176, and 15-0457: A motion was made by Kathy Weber finding the facts set forth in the memorandum of probable cause provided to them by the Executive Director, pursuant to Idaho Code 54-2058(1), are sufficient to proceed with formal action on the violations presented. Commission staff is authorized to file an administrative complaint. Kathy Weber further moved that upon the initiation of any formal proceedings the Executive Director shall appoint a Hearing Officer to preside in the case, as provided by law. The

was made by Michael J. Johnston at 2:05 p.m. to adjourn to executive session. Roll was called; Michael J. Johnston, Mike Gamblin, Marvis Brice, and Kathy Weber voted in favor. Motion carried. Members convened in executive session and considered complaints brought against a public officer, employee, staff member, or individual agent and an employee request for problem solving.

Regular Session: There being no further purpose for an executive session, a motion was made by Michael J. Johnston to adjourn the executive session and return to open meeting at 4:20 PM. Motion carried.

A motion was made by Michael J. Johnston to adjourn the meeting at 4:20 pm. Motion carried.

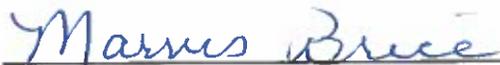
Respectfully submitted,

Jeanne Jackson-Heim
Executive Director

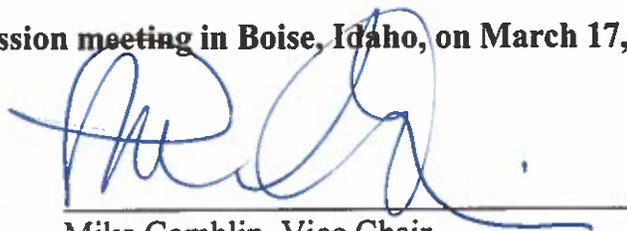
JJH:jr

Attachments: Final Orders

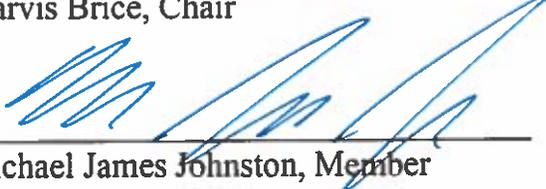
Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho, on March 17, 2016, are hereby approved.



Marvis Brice, Chair



Mike Gamblin, Vice Chair



Michael James Johnston, Member



Kathy Weber, Member

COPY *Comp*

ORIGINAL

Maurice O. Ellsworth [ISB #1842]
General Counsel
Idaho Bureau of Occupational Licenses
700 W State Street
PO Box 83720
Boise, ID 83720-0063
Telephone: (208) 334-3233
Facsimile: (208) 334-3945

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

TIMOTHY P. WILLIAMS,

Respondent.

Case No. 15-0007

**ORDER ON COSTS &
ATTORNEY'S FEES**

THIS MATTER came before the Idaho Real Estate Commission for a determination of the amount of costs and attorney's fees Respondent is required to pay pursuant to the Commission's Final Order dated February 12, 2016 ("Final Order").

Pursuant to Paragraph 2(d) of the Final Order, Respondent is ordered to pay costs and attorney's fees incurred by the Staff in this matter. Paragraph 3 of the Final Order sets forth the procedure to determine the amount of costs and attorney's fees Respondent must pay and the procedure for Respondent to object to the amounts claimed by Staff. Staff filed its Memorandum of Costs and Attorney's

Fees setting forth expenses totaling \$3,272.09. No objection to Staff's expenses was filed.

In determining the amount of costs and attorney's fees to be assessed in this case, the Commission observes the following:

The License Law grants the Commission broad discretion to "assess costs and attorney's fees for the cost of any investigation and administrative or other proceedings against any licensee who is found to have violated any section of the Idaho Code..." *Idaho Code Section 54-2059(1)*. In exercising that discretion, the Commission recognizes the applicable legal standards set forth in *Haw v. Idaho State Bd. of Medicine*, 137 P.3d 434 (2006). The Commission must "engage in a meaningful analysis" of how much time and effort went into proving the misconduct that resulted in the discipline. "The guiding principle is the sanction must be related to the discipline." *Id.*

Having reviewed Staff's memorandum itemizing the expenses incurred, and having considered the entire record in this case, the Commission finds that attorney's fees claimed by Staff in these proceedings were reasonably incurred, and the amounts not excessive. The Commission further finds that Staff was successful obtaining the disciplinary order it sought, and that all of Staff's costs and attorney's fees should be assessed against Respondent.

ORDER

Based on the foregoing, and for good cause shown therein, it is hereby ordered:

1. Respondent shall pay costs and attorney's fees in the amount of **Three Thousand Two Hundred Seventy-two Dollars and Nine Cents (\$3,272.09)**.

2. The Final Order issued February 12, 2016 stands and the civil fine ordered to be paid by Respondent is to be paid in the amount set forth in that Final Order. The civil fine and all costs and attorney's fees ordered to be paid in the Final Order by Respondent in the amount determined herein are **due and payable on or before April 18, 2016**.

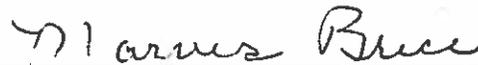
3. All payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be mailed or hand delivered to the Idaho Real Estate Commission, 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. All payments must be received at the Commission office on or before 5:00 pm MST/MDT on the date set forth by this order of the Commission. Do not send payment to Naylor & Hales.

4. In accordance with Commission policy, payments received shall be applied first to the amount of costs and attorney's fees ordered, and then to the civil fines.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS



Marvis Brice, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Order on Costs and Attorney's Fees, upon:

Mr. Timothy P. Williams
PO Box 2420
Eagle, ID 83616

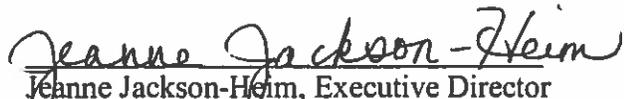
U.S. Mail
 Email
 Facsimile Transmission

Mr. Kimbell D. Gourley
Jones Gledhill Fuhrman Gourley, P.A.
PO Box 1097
Boise, ID 83701
(Attorney for Timothy P. Williams, Respondent)

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

JENNIFER LEE "JENNY" JARVIS,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2038(1)(a) – failure to supervise and control, in the manner required by law and rule, all office locations, and the activities of all licensees and unlicensed persons associated with that brokerage company or for whom that designated broker is responsible; and

b. § 54-2038(4) – allowing a person who is not properly licensed to represent the broker as a sales associate or otherwise, in any real estate business activities requiring a real estate license while the license was expired.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees:**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation,

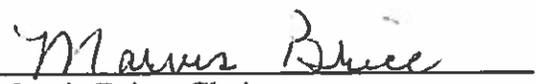
including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:


Marvis Brice, Chair

CERTIFICATE OF SERVICE

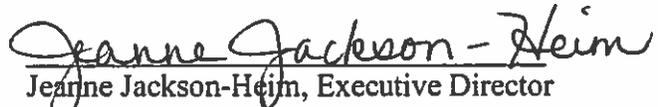
I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Jennifer L. "Jenny" Jarvis
Price Real Estate, Inc.
4155 Yellowstone, Suite #1162
Chubbuck, ID 83202

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

MELISSA HJELTNESS,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

- a. § 54-2053(4) – providing misleading advertising to the public regarding the square footage of the Barbara Avenue Property.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

- 1. This Final Order shall constitute a Formal Reprimand of the Respondent for the actions as set forth in the Stipulation.

2. Fines and Fees

- a. Respondent shall pay a One Thousand Dollar (\$1,000.00) civil fine by April 18, 2016. This fine will be withheld, however, provided Respondent complies with the continuing education requirements set forth in Paragraph 16(c) of the Stipulation.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **Continuing Education:**

a. Respondent shall successfully complete the following Idaho real estate educational courses by September 18, 2016:

- **Everyday Ethics in Real Estate**
- **Demystifying Appraisals**

b. These courses shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said courses, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificates to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

c. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the

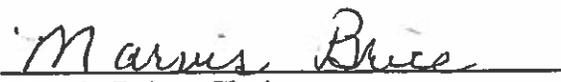
Stipulation, including but not limited to, suspending Respondent's license, OR imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Melissa Hjeltness
Coldwell Banker Schneidmiller Realty
1924 Northwest Blvd.
Coeur d'Alene, ID 83814

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

Comm
COPY

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

ROBERT ZAGARELLO,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code, and agreed to cease such activities:

a. § 54-2041(1) – A licensed Idaho real estate broker shall be responsible for all moneys or property entrusted to that broker or to any licensee representing the broker. For purposes of this section, moneys or property shall not be considered entrusted to the broker or to any licensee representing the broker when the parties to the transaction have instructed the broker or its licensees, in writing, to transfer such moneys or property to a third party, including, but not limited to, a title, an escrow or a trust company if upon transfer, the broker or its licensees have no right to exercise control over the safekeeping or disposition of said moneys or property.

b. § 54-2045(4) – Consideration received by sales associate. All consideration, including cash, checks held in uncashed form and promissory notes, received by a sales associate in connection with a real estate transaction shall be immediately delivered to the broker or the broker's office.

c. § 54-2050(1)(c) – Seller representation agreements. Each seller representation agreement, whether exclusive or nonexclusive, must contain the following provisions: price and terms.

d. § 54-2060(3) and (4) – A person found guilty of misconduct while performing or attempting to perform any act requiring a real estate broker or salesperson's license, regardless of whether the act was for the person's own account or in his capacity as a broker or salesperson, shall be subject to disciplinary action by the Commission. The following acts shall constitute misconduct within the meaning of this section: Failure to account for or remit any property, real or personal, or moneys coming into the person's possession which belong to another; Failure to keep adequate records of all property transactions in which the person acts in the capacity of real estate broker or salesperson.

e. § 54-2054(9) – All fees must be paid through broker. No sales associate shall accept any commission, compensation or fee for the performance of any acts requiring a real estate license from any person except the real estate broker with whom the sales associate is licensed. However, if authorized by the broker, a sales associate may: (a) pay all or any portion of the accepted commission, compensation or fee to any other sales associate who is licensed with the same broker; or (b) accept payment from an unlicensed entity paid by the broker in accordance with subsection (2) of this section. A broker may pay a former sales associate for services performed while the sales associate was actively licensed with that broker, regardless of the former sales associate's license status at the time the commission or fee is actually paid.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a Formal Reprimand of the Respondent for the actions as set forth in the Stipulation.

2. Fines and Fees

a. Respondent shall pay a Two Thousand Five Hundred Dollar (\$2,500.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Continuing Education:

a. Respondent shall successfully complete the following Idaho real estate educational course by September 18, 2016:

- **Post License Fundamentals**

b. This course shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

c. Respondent is on notice that pursuant to Idaho Code 54-2023(5), *“No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.”* Respondent shall not submit such Commission-ordered educational course for continuing education credit.

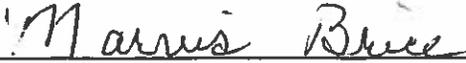
4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent’s license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. However, any action taken relating to an alleged license law violation shall proceed pursuant only to the investigation process set forth in Idaho Code Sections 54-2058, et seq. as authorized by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent’s last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Robert Zagarello
889 W. Starview Court
Nampa, ID 83686

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

BETTY J. LANUM,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code, and agreed to cease such activities:

a. § 54-2038(1)(a) – A designated broker is required to: (a) Supervise and control, in the manner required by law and rule, all office locations, and the activities of all licensees and unlicensed persons associated with that brokerage company or for whom that designated broker is responsible.

b. § 54-2038(1)(b) – A designated broker is required to: (b) review and approve all real estate agreements including, but not limited to, those related to listing, selling or purchasing property and brokerage representation agreements.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a Formal Reprimand of the Respondent for the actions as set forth in the Stipulation.

2. Fines and Fees

a. Respondent shall pay a One Thousand Dollar (\$1,000.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Continuing Education:

a. Respondent shall successfully complete the following Idaho real estate educational course by September 18, 2016:

- **Business Conduct and Office Operations**

b. This course shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the

completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

c. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. However, any action taken relating to an alleged license law violation shall proceed pursuant only to the investigation process set forth in Idaho Code Sections 54-2058, et seq. as authorized by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:

Marvis Brice
Marvis Brice, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Betty J. Lanum
Idaho Real Estate Company
22306 Upper Pleasant Ridge Road
Caldwell, ID 83607-9092

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

ELIAS TREJO,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2054(2) – fee-splitting with unlicensed persons prohibited.

b. § 54-2060(12) – gross negligence or reckless conduct in a regulated real estate transaction, for co-brokering an Idaho property with a person who does not hold an active Idaho license and for failing to ensure contract documents were properly completed as required by Idaho license law.

c. § 54-2084(4) – failing to identify how the buyer and seller were represented in the Representation Confirmation section of the purchase and sale agreement;

d. § 54-2051(4)(c) - failing to include the name of the responsible broker for the transaction in the purchase and sale agreement.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees:**

a. Respondent shall pay a One Thousand Five Hundred Dollar (\$1,500.00) civil fine by May 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00**

p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.

3. Continuing Education:

a. Respondent shall successfully complete the following Idaho real estate educational course by September 18, 2016:

- **Risky Business 2**

b. This course shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

c. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this

paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

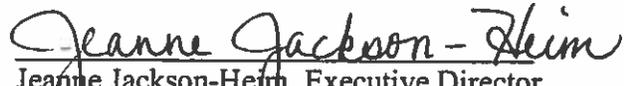
I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Elias R. Trejo
Keller Williams Realty East Idaho
3525 Merlin Dr.
Idaho Falls, ID 83401

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

JASON HAWKINS and BUSY BEE
REALTY,

Respondents.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondents admitted to the following violation of the Real Estate License Law and Rules, Idaho Code, and agreed to cease such activities:

a. § 54-2002, as defined by Idaho Code sections 54-2004(36)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist.** Respondents shall cease and desist engaging in any of the conduct or violations set forth in the Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules.

2. **Fines and Fees:**

a. Respondent Hawkins shall pay a One Thousand Five Hundred Dollar (\$1,500.00) civil fine by April 18, 2016.

b. Respondent Busy Bee Realty shall pay a One Thousand Five Hundred Dollar (\$1,500.00) civil fine by April 18, 2016.

c. Respondents Hawkins and Busy Bee Realty shall jointly and severally pay costs and attorney fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondents be applied towards the costs/fees award first, before application to the fine. Hawkins and Busy Bee Realty are jointly and severally liable for the entire amount of these costs and attorney fees.

d. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondents fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondents to make a payment on time, to invoke this provision to require immediate and full payment.

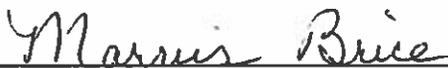
e. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

4. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondents by mailing a copy to the Respondents' last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

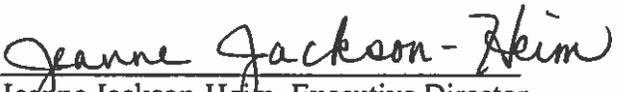
I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Jason Hawkins
Busy Bee Realty
879 Baxter Drive
South Jordan, UT 84095

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission



Jeanne Jackson-Helm, Executive Director
Idaho Real Estate Commission

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BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

JARRON KENT LANGSTON,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code, and agreed to cease such activities:

a. § 54-2002, as defined by Idaho Code sections 54-2004(36)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist.** Respondent shall cease and desist engaging in any of the conduct or violations set forth in the Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules.

2. **Fines and Fees:**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the

Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. However, any action taken relating to an alleged license law violation shall proceed pursuant only to the investigation process set forth in Idaho Code Sections 54-2058, et seq. as authorized by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5 The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

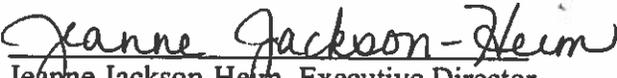
I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Jarron K. Langston
9563 W. Harness Dr.
Boise, ID 83709

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

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BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

ROBERT VAN ALLEN,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2053(1) – only licensees who are actively licensed in Idaho may be named by an Idaho broker in any type of advertising of Idaho real property, may advertise Idaho property in Idaho or may have a sign placed on Idaho property.

b. § 54-2038(1)(a) – supervise and control, in the manner required by law and rule, all office locations, and the activities of all licensees and unlicensed persons associated with that brokerage company or for whom that designated broker is responsible.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a Formal Reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees**

a. Respondent shall pay a Five Hundred Dollar (\$500.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by

Respondent to Staff shall be deemed sufficient. However, any action taken relating to an alleged license law violation shall proceed pursuant only to the investigation process set forth in Idaho Code Sections 54-2058, et seq. as authorized by the Commission.

4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

5. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

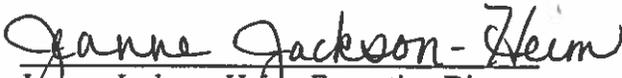
I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Robert L. "Bob" Van Allen
Coldwell Banker Tomlinson Group
1850 S. Eagle Road, Suite 100
Meridian, ID 83642

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission



Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

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BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

TROY JASON ASHWORTH,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2060(11) – conduct which constitutes dishonest or dishonorable dealings by filing an illegal common law lien against the Seller's property to prevent the Buyers from closing on their accepted offer.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a formal reprimand of the Respondent for the actions as set forth in the Stipulation.

2. **Fines and Fees:**

a. Respondent shall pay a One Thousand Dollar (\$1,000.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **Continuing Education:**

a. Respondent shall successfully complete the following Idaho real estate educational course by September 18, 2016:

- **Business Conduct and Office Operations**

b. This course shall be completed on or before 5:00 p.m. MST/MDT of the deadline day. In addition, within 48 hours of completing said course, Respondent shall be responsible for mailing/emailing/faxing (208-334-2050) a copy of the completion certificate to the Idaho Real Estate Commission, Attention: Chief Investigator. Should Respondent fail to provide Commission Staff with a completion certificate on or before the deadline, Respondent's real estate license shall be suspended pursuant to the terms of this Final Order.

c. Respondent is on notice that pursuant to Idaho Code 54-2023(5), "*No licensee shall obtain continuing education credit for education ordered by the Commission as part of a disciplinary action.*" Respondent shall not submit such Commission-ordered educational course for continuing education credit.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Troy J. Ashworth
Silvercreek Realty Group, LLC
1099 South Wells
Meridian, ID 83642

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

COPY

Comm
—

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

BARBARA JEAN “BARB” DOPP,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties’ Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

a. § 54-2060(11) – conduct which constitutes dishonest and dishonorable dealings, for promoting Winward’s offer over a previously accepted offer between Crofts and Douthit, disregarding Crofts’ agreement to sell the Kelsey Place Property to Douthit, and for falsely informing Herbold that Crofts had rejected Douthit’s offer in favor of another;

b. § 54-2060(12) – reckless conduct in a regulated real estate transaction, for promoting Winward’s offer over a previously accepted offer between Crofts and Douthit, disregarding Crofts’ agreement to sell the Kelsey Place Property to Douthit, and for falsely informing Herbold that Crofts had rejected Douthit’s offer in favor of another; and

c. § 54-2087(4)(b) – failing to promote the best interests of the seller in good faith, honesty and fair dealing for promoting Winward’s offer over a previously accepted offer between Crofts and Douthit, disregarding Crofts’ agreement to sell the Kelsey Place

Property to Douthit, and for falsely informing Herbold that Crofts had rejected Douthit's offer in favor of another.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a Formal Reprimand of the Respondent for the actions as set forth in the Stipulation.

2. Fines and Fees

a. Respondent shall pay a Five Thousand Dollar (\$5,000.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Two Thousand Three Hundred Dollars (\$2,300.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real

Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.

3. License Suspension

a. Respondent's license shall be suspended, effective March 25, 2016, for a period of twelve (12) months. However, nine (9) months of the twelve (12) month period shall be withheld provided Respondent:

i. Complies with the terms of the this Final Order and violates no other license law.

ii. Pays in full all fines and attorney's fees when due.

iii. Complies with Guideline #7 ("Guidelines for 'Suspended Licensees'") set forth in the Idaho Real Estate License Law and Rules (July 2015), which is attached to the Stipulation as Exhibit A.

iv. In the event Respondent fails to comply with any portion of the discipline set forth herein, the entire one year suspension period shall be imposed; such suspension shall begin on the date of noncompliance and extend for one year from that date.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this

paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order and Guideline #7 - "Guidelines for 'Suspended' Licensees", upon:

Ms. Barbara J. "Barb" Dopp
Keller Williams Realty Boise
1065 S. Allante Place
Boise, ID 83709

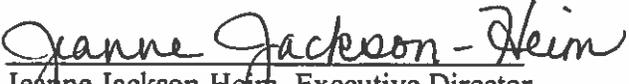
U.S. Mail
 Email
 Facsimile Transmission

Mr. Paul Winward
Winward Godfrey PLLC
2352 S. Titanium Place
Meridian, ID 83642
(Attorney for Respondent)

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

STEVEN W. FISHER, JR.,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

- a. § 54-2061(1)(a) – conviction of a felony.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a Formal Reprimand of the Respondent for the actions as set forth in the Stipulation.

2. Costs and Attorney Fees

a. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016.

b. In the event Staff agrees to accept installment payments of any fees under the Stipulation, should Respondent fail to make any one payment as required by its due date,

then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

c. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. **License Revocation.** Respondent's real estate license shall be revoked. However, the license revocation will be withheld pursuant to the following terms:

a. Respondent fully complies with the terms of his criminal probation (including all terms of its release), until its expiration.

b. Respondent self-reports any probation violations within 20 days.

c. Respondent has no further DUI convictions or probation problems.

d. Respondent complies with the terms of this Final Order and violates no other license law.

e. Respondent pays in full all fines and attorney's fees/costs when due.

4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, OR imposing the balance of any withheld discipline or civil penalty fine, in the event of failure to timely comply

with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. However, any action taken relating to an alleged license law violation shall proceed pursuant only to the investigation process set forth in Idaho Code Sections 54-2058, et seq. as authorized by the Commission. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Steven W. Fisher Jr.
Equity Idaho Real Estate
3050 N. Lakeharbor Lane, Suite #200
Boise, ID 83703

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission

Jeanne Jackson-Heim
Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

COPY

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BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

JAMIE MELISSA WIEAND,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

- a. § 54-2061(1)(a) – conviction of a felony.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. This Final Order shall constitute a Formal Reprimand of the Respondent for the actions as set forth in the Stipulation.

2. Withheld Revocation:

a. Respondent's real estate license shall be revoked effective immediately and concurrently with her criminal probation. However, Respondent's license revocation shall be conditionally withheld provided she complies with the following terms:

i. Complies with the terms of her criminal probation (including all terms of release) in State v. Wieand, Fourth Judicial District for Ada County, Case No. CR-FE-2015-0004169 as well as in State v. Wieand, Fourth Judicial District for Ada County, Case No. CR-FE-2015-0005684. While on probation, Respondent shall report to Commission Staff within twenty (20) days any probation violation and/or discretionary time imposed pursuant to any Court judgment or order.

ii. Complies with the terms of this Final Order and violates no other license law.

iii. Pays in full all costs and attorney's fees when due in accordance with the terms of the Stipulation.

3. Costs and Attorney Fees

a. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016.

b. In the event Staff agrees to accept installment payments of any fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

c. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE**

IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.

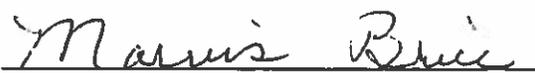
4. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending or revoking Respondent's license, in the event of failure to timely comply with any term or condition of this Order entered pursuant to the Stipulation. Notice of such action sent to the most current address provided by Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

6. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

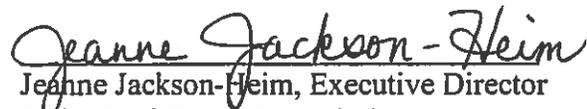
I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Jamie M. Wieand
Silvercreek Realty Group, LLC
1099 South Wells
Meridian, ID 83642

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

COPY

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BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

TIANI SHOEMAKER,

Respondent.

FINAL ORDER

On March 17, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code, and agreed to cease such activities:

a. § 54-2002, as defined by Idaho Code sections 54-2004(36)(a), (c), and (d), and 54-2004(2), for unlicensed practice by engaging in selling, listing, buying or negotiating, or offering to sell, list, buy or negotiate the purchase, sale, option or exchange of real estate or any interest therein or business opportunity or interest therein for others, without an Idaho license.

Having considered the Stipulation, the Commission approves the same and enters the following order of discipline in accordance therewith.

IT IS HEREBY ORDERED, as follows:

1. **Cease and Desist.** Respondent shall cease and desist engaging in any of the conduct or violations set forth in the Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules.

2. **Fines and Fees:**

a. Respondent shall pay a One Thousand Five Hundred Dollar (\$1,500.00) civil fine by April 18, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by April 18, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

c. In the event Staff agrees to accept installment payments of any fine or fees under the Stipulation, should Respondent fail to make any one payment as required by its due date, then all sums remaining unpaid shall at once become due and payable, and no further notice shall be provided. Any agreement or act by Staff to accept a late payment shall not constitute a waiver of Staff's right, upon any subsequent failure by Respondent to make a payment on time, to invoke this provision to require immediate and full payment.

d. All fines and attorney's fees are due and payable pursuant to the terms of this Order. Payments must be made directly to the Idaho Real Estate Commission by cash, check, money order or credit card, and may be hand delivered or mailed to the Idaho Real Estate Commission 575 E. Parkcenter Blvd., Ste. 180, Boise, Idaho 83706. **All payments must be received at the Commission office on or before 5:00 p.m. MST/MDT on the dates set forth above. MAKE ALL PAYMENTS TO THE IDAHO REAL ESTATE COMMISSION. DO NOT MAKE PAYMENT TO NAYLOR & HALES.**

3. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing in the event the Respondent fails to comply with this Final Order entered pursuant to the Stipulation.

4. The Executive Director of the Idaho Real Estate Commission shall cause a true and correct copy of this Final Order to be served on the Respondent by mailing a copy to the Respondent's last known address on file at the Commission office.

Issued this 17th day of March, 2016.

FOR THE COMMISSIONERS:



Marvis Brice, Chair

CERTIFICATE OF SERVICE

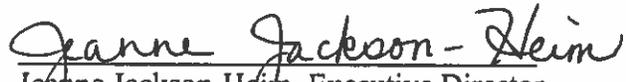
I HEREBY CERTIFY that on this 18th day of March 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Tiana Shoemaker
Berkshire Hathaway Home Services
Utah Properties
Tiana.shoemaker@gmail.com

U.S. Mail
 Email
 Facsimile Transmission

Mr. Eric F. Nelson
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
efn@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission