

**IDAHO REAL ESTATE COMMISSION**  
**MEETING MINUTES**  
*May 2, 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 Monday, May 2 at 1:00 p.m.

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

**Staff Present:**  
Jeanne Jackson-Heim, Executive Director  
MiChell Bird, Licensing & Education Director  
Craig Boyack, Chief Investigator  
Jessica Valerio, Administrative Assistant 2

**Others Present:**  
Maurie Ellsworth, Commission's Legal Counsel  
*LaDawn Anderst*, Idaho REALTORS®  
See attached list

**Introductions:**  
a. Commissioners  
b. Staff  
c. Guests

Meeting was called to order at 1:12 p.m. MT by Commission Chair *Brice*.

**Approval of Meeting Minutes:** Motion was made by *Kathy Weber* to approve the *March 17, 2016 and April 22, 2016* Commission meeting minutes. Motion carried.

**Staff Reports:**

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

- **March 2016 Financial Report**
- **License Base Analysis**

- Examination Statistics
- Complaint Summary Report March 2016
- Enforcement Telephone Activity Log(s) March 2016
- Audit Report(s) March 2016

**Idaho REALTORS®:** LeDawn Anderst reports board meeting was held April 21<sup>st</sup>, 2016. Will be holding broker summits in September 14<sup>th</sup>, 15<sup>th</sup>, and 21<sup>st</sup>. There are 7,443 paid REALTOR members. The Idaho REALTORS' business conference is October 7<sup>th</sup>.

**Executive Director's Report:**

- **Cooperative Agreements** - Jeanne discussed status of discussion on cooperative agreements with Out-of-State Licensees –ongoing
- **Update Commission Guidelines** – requests suggestions from Commissioners to the Commission guidelines for discussing at June meeting

**Education & Licensing Director's Report:**

- **2016 Core** – 2016 Core class will be piloted on May 3. Limited Dual Agency video will be filmed in the next three to four weeks.
- **Update on Post License Courses** – entered into contract with CE shop for online Post License Fundamentals and should be finished in early June. The online 4 hour Pricing, Marketing & Advertising course will be complete the following month.

**Enforcement:**

**Stipulations:**

**Staff vs. Natalie Lemas Hernandez, Case No. 15-0100:** The party's 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 Mike Gamblin to approve the Stipulation 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.

**Staff vs. Shannon Snyder, Case No. 14-0363:** The party's 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 Michael Johnston to approve the Stipulation 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.

**Staff vs. Nicole Ercilia Zuber, Case No. 15-0432:** The party's 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 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.

**Staff vs. Steven G. Gregory, Case No. 15-0448:** The party’s 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 Mike Gamblin to approve the Stipulation 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.

**Staff vs. August Joseph “A.J.” Basile, Case No. 15-0165:** The party’s 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 Michael Johnston to approve the Stipulation 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.

**Staff vs. Laurie Lynette Engelbreit, Case No. 15-0352:** The party’s 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 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.

**Probable Cause Memo #16-0041, 16-0042:** 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 #16-0058:** A motion was made by *Mike Gamblin* 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. Mike Gamblin 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 #15-0029:** A motion was made by Michael J. Johnston 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. Michael J. Johnston 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.

**Executive Session:** In accordance with the provisions of Idaho Code 74-206(1)(b), a motion was made by Kathy Weber at 4:05 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 office, employee, staff member, or individual agent and an employee request for problem solving.

Members reconvened in open session. Michael J. Johnston moved to adjourn the meeting. Motion carried.

There being no further business, Chair Brice adjourned the meeting at 4:31 p.m. MT.

Respectfully submitted,



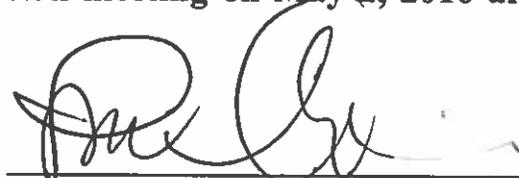
Jeanne Jackson-Heim  
Executive Director

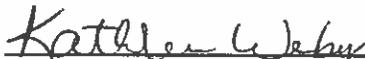
JV:

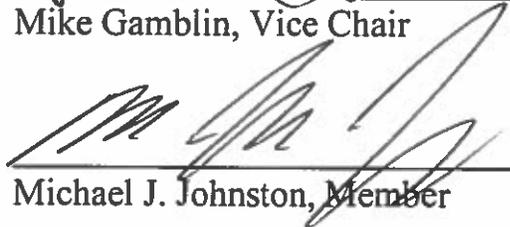
Attachments:     March 2016 Financial Report  
                      License Base Analysis  
                      Examination Statistics  
                      Complaint Summary Report  
                      Enforcement Telephone Activity Log March 2016  
                      Audit Report March 2016  
                      Final Orders

**Minutes of the Idaho Real Estate Commission meeting on May 2, 2016 are hereby approved.**

  
\_\_\_\_\_  
Marvis Brice, Chair

  
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Mike Gamblin, Vice Chair

  
\_\_\_\_\_  
Kathy Weber, Member

  
\_\_\_\_\_  
Michael J. Johnston, Member

**BEFORE THE IDAHO REAL ESTATE COMMISSION**

STAFF OF THE IDAHO REAL  
ESTATE COMMISSION,

Petitioner,

vs.

LAURIE LYNETTE ENGELBREIT,

Respondent.

**FINAL ORDER**

On May 2, 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. § 54-2002, as defined by §§ 54-2004(2) and 54-2004(36)(a), (c) and (d) by engaging in the business or acting in the capacity of real estate broker or real estate salesperson in Idaho without an active Idaho real estate license therefor.

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 August 3, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by June 3, 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's shall successfully complete the following Idaho real estate educational course by November 3, 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. 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 2nd day of May, 2016.

FOR THE COMMISSIONERS:

  
Marvis Brice, Chair

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of May, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Laurie L. Engelbreit  
Boise Premier Real Estate  
660 E Franklin Road Suite 220  
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](mailto: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.

STEVEN G. GREGORY,

Respondent.

**FINAL ORDER**

On May 2, 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. § 54-2018(9) – Failure to provide written notice to the Commission of any change in personal residence address;
- b. § 54-2061(1)(a) – Conviction of a felony; and
- c. § 54-2061(3) – Failure to report a felony conviction to the Commission within twenty (20) days.

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 costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by June 3, 2016.

b. 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.

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**

a. Respondent's license is revoked, effective May 3, 2016.

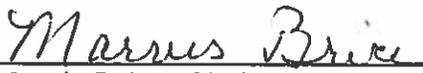
4. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further administrative hearing

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 2nd day of May, 2016.

FOR THE COMMISSIONERS:

  
\_\_\_\_\_  
Marvis Brice, Chair

**CERTIFICATE OF SERVICE**

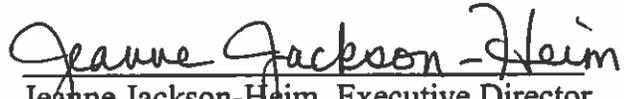
I HEREBY CERTIFY that on this 3rd day of May, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Steven Gregory 16320-023  
Federal Medical Center 4-A  
P.O. Box 1600  
Butner, NC 27509

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](mailto: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.

NICOLE ERCILIA ZUBER,

Respondent.

**FINAL ORDER**

On May 2, 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 information to the public or to prospective customers or clients by posting a real estate yard sign that failed to adequately display the name of her brokerage.

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 June 3, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by June 3, 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.**

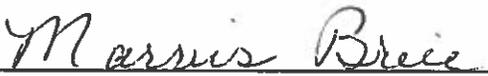
3. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's license, 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.

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 2nd day of May, 2016.

FOR THE COMMISSIONERS:

  
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Marvis Brice, Chair

**CERTIFICATE OF SERVICE**

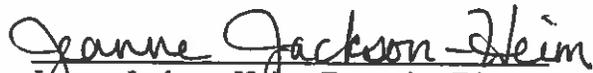
I HEREBY CERTIFY that on this 3rd day of May, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Nicole Zuber  
Keller Williams Realty Boise  
1065 S. Allante Place  
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](mailto: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.

AUGUST JOSEPH "A.J." BASILE,

Respondent.

**FINAL ORDER**

On May 2, 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. § 54-2018(9): Failure to provide written notice to the Commission, in the form and manner approved by the Commission, of any change of personal name, address of personal residence or personal telephone number within ten (10) business days of the change.

b. § 54-2058(3): Failure to answer all reasonable investigative questions of the Commission as it relates to his personal residence.

c. § 54-2060(3): Failure to account for or remit any property, real or personal, or moneys coming into the person's possession, which belong to another when he failed to pay for the lawn care and pest control services that were provided when he resided at the Fruitland Property.

d. § 54-2087(2): Failure to exercise reasonable skill and care when he provided the keys to the Fruitland Property to Stice prior to closing.

e. § 54-2087(4): Failure to promote the best interests of the client in good faith, honesty and fair dealings when he failed to pay for the lawn care and pest control services that were provided when he resided at the Fruitland Property

f. § 54-2087(5): Failure to properly account for property placed in the care and responsibility of the brokerage when he provided keys to the Fruitland Property to Stice prior to closing.

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 Three Thousand Five Hundred Dollar (\$3,500.00) civil fine by August 3, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by June 3, 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's shall successfully complete the following Idaho real estate educational course by November 3, 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. License Suspension**

Respondent's license shall be suspended for a period of twelve (12) months beginning May 3, 2016. However, the entire suspension period shall be withheld provided Respondent:

- a. Complies with the terms of this Final Order and violates no other license law.
- b. Completes the continuing education course set forth in the Stipulation in the time allotted.

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

d. 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.

**5. Update Contact Information**

As long as Respondent maintains a license of any kind with the Commission, whether active or inactive, Respondent shall provide the Commission with accurate contact information, including his personal residence and phone number. In so doing, Respondent shall provide written notice to the Commission, in the form and manner approved by the Commission, of any change of his personal residence and personal telephone number within ten (10) business days of such change.

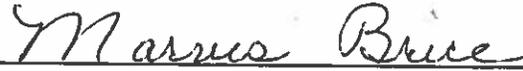
6. Respondent and Staff of the Idaho Real Estate Commission further agree that the Commission has authorized Staff, without further notice or action otherwise required by Idaho Code or IDAPA rules, to immediately take action authorized by the Stipulation, including but not limited to, suspending Respondent's 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.

7. 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.

8. 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 2nd day of May, 2016.

FOR THE COMMISSIONERS:

  
Marvis Brice, Chair

**CERTIFICATE OF SERVICE**

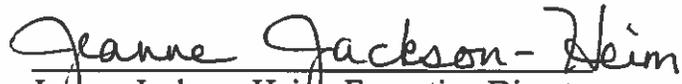
I HEREBY CERTIFY that on this 3rd day of May, I caused to be served, by the methods indicated, a true and correct copy of the Final Order and Guideline #7, upon:

August "AJ" Basile  
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](mailto:efn@naylorhales.com)

U.S. Mail  
 Email  
 Facsimile Transmission

  
Jeanne Jackson-Heim, Executive Director  
Idaho Real Estate Commission

**IDAHO REAL ESTATE COMMISSION**

**Guideline #7**

Revised May 9, 2013

**GUIDELINES FOR "SUSPENDED" LICENSEES**

Idaho's license laws impose certain duties and consequences upon the salesperson or broker whose license is "suspended" as part of a disciplinary action taken pursuant to the Commission's "Disciplinary Powers" or "suspended" under the statute's "Automatic Suspension" provisions. This Guideline is intended to outline those duties and consequences. (This Guideline is not intended to address a situation in which the license has "expired" after the license period has elapsed and the license is not renewed.)

1. A person whose license is suspended is in the same position as an unlicensed person. Such person may not engage in any real estate activity that requires a real estate license, e.g., he or she may not list, sell, buy, or negotiate, or offer to list, sell or buy or negotiate the purchase, sale, option or exchange of real estate.
2. The person whose license is suspended may receive compensation during the suspended period only for acts performed during the period in which the person was properly licensed. For example, if the person negotiated a sale during the licensed period, the person may receive payment for performance of those acts even though the sale closes during the suspended period.
3. If the suspended person is a designated broker, any transaction that is closed during the period of suspension must be finalized by either another broker, an attorney, a title company, or a financial institution.
4. All advertising naming the suspended licensee, including but not limited to signs on office buildings and on "for sale" properties, must be removed. All evidence of the person's licensure must be removed from public view.
5. If the suspended person is the designated broker, and if no other broker is designated to act for the brokerage company, the office must be closed during the period of suspension, and the licenses of all associated licensees will be made inactive by the Commission. Telephone service should be canceled, or the telephone must be answered by indicating to all callers that the office is closed due to the suspension of the broker's real estate license.
6. If the suspended person is the designated broker for a licensed business entity, the law grants the entity ten (10) business days to designate a new broker. If no new broker is designated within the statutory period, the license of the entity is terminated, and the licenses of all associated licensees are inactivated by the Commission.

**Guideline #7**

above activities;

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

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

“Real estate salesperson” or “salesperson” means any person who has qualified and is licensed as a real estate salesperson in Idaho under this chapter, and is licensed under, associated with, and represents a designated broker in the performance of act described in this section.

**54-2039. Broker and Branch Office Manager Absences and Changes.**

Each real estate brokerage company must have a legally qualified individual acting as designated broker at all times. Each branch office licensed under section 54-2016, Idaho Code, shall have, at all times, a legally qualified individual acting as branch office manager.

Change of broker in business entity. A license issued to a legal business entity, as defined in this chapter, is effective only as long as the individual designated broker’s license is in active status and in effect. If the individual so designated has a license refused, revoked, suspended or otherwise made inactive by the Commission, or if the individual designated broker voluntarily surrenders the individual license or ceases to be connected with the entity in the manner required in this chapter, the business entity shall have ten (10) business days in which to designate another qualified individual as designated broker before the entity’s license is terminated, and the licenses of all associated licensees are made inactive.

**54-2054. Compensation, Commission and Fees – Prohibited Conduct.**

Court action for fee collection. No person engaged in the business or acting in the capacity of real estate broker or salesperson in Idaho shall bring or maintain any action in the courts for the collection of a fee, commission or other compensation for the performance of any acts requiring a real estate license as provided in section 54-2002, Idaho Code, without alleging and proving that such person was an actively licensed broker or salesperson in Idaho at the time the alleged cause of action arose.

Fee-splitting with unlicensed persons prohibited. Unless otherwise allowed by statute or rule, a real estate broker, associate broker or salesperson licensed in the state of Idaho shall not pay any part or share of a commission, fee or compensation received in the licensee's capacity as such in a regulated real estate transaction to any person who is not actively licensed as a real estate broker in Idaho or in another state or jurisdiction. The Idaho broker making the payment to another licensed person is responsible for verifying the active licensed status of the receiving broker. This section shall not prohibit payment of a part or share of a commission, fee or compensation by the broker to legal business entity, all of whose shareholders, members or other persons having a similar ownership interest are active real estate licensees. An Idaho licensee may pay any part or share of a commission, fee or compensation received, directly to the buyer or seller in the real estate

**Guideline #7**

(12) Gross negligence or reckless conduct in a regulated real estate transaction. Conduct is grossly negligent or reckless if, when taken as a whole, it is conduct which substantially fails to meet the generally accepted standard of care in the practice of real estate in Idaho.

**54-2061. Additional Grounds for Disciplinary Action – Court Actions.**

The Commission may also take disciplinary action against a licensee including, but not limited to, suspension or revocation of a license, where, in a court of competent jurisdiction, the licensee:

(a) Has been convicted of a felony, or has been convicted of a misdemeanor involving fraud, misrepresentation, or dishonest or dishonorable dealing or which otherwise demonstrates the licensee's lack of trustworthiness to engage in the real estate business;

(b) Has been declared to lack capacity or to be incompetent or under an infirmity, for the duration of such declaration only;

(c) Has a judgment entered against the licensee in a civil action upon grounds of fraud, misrepresentation, deceit or gross negligence with reference to a real estate-related transaction.

The court's record of conviction, order determining legal competency, or the order entering judgment in a civil case, or certified copies thereof, shall be prima facie evidence of a conviction, or the court's action.

**54-2062. Additional Grounds for Disciplinary Action – Other Administrative Actions.**

The Commission may also take any disciplinary action, including, but not limited to, suspension or revocation of a license where the licensee:

(a) Has an order or determination of debarment, suspension, or any limitation on participation in government loan programs issued against the licensee for misconduct; or

(b) Has a real estate or other professional, suspended or revoked for a disciplinary violation involving fraud, misrepresentation, or dishonest or dishonorable dealings. A certified copy of the order of the administrative agency in the other jurisdiction shall be prima facie evidence of the suspension or revocation.

**54-2074. Automatic Suspension of Broker's, Associate Broker's or Salesperson's License on Payment by Commission – Condition For License Reinstatement.** If, pursuant to court order, the Commission pays from the recovery fund any amount in settlement of a claim or towards satisfaction of a judgment against a licensed broker, associate broker or salesperson, the license of such broker, associate broker or salesperson shall be automatically suspended without further order of the Commission upon the effective date of any order by the court as set forth herein authorizing payment

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**BEFORE THE IDAHO REAL ESTATE COMMISSION**

STAFF OF THE IDAHO REAL  
ESTATE COMMISSION,

Petitioner,

vs.

NATALIE LEMAS HERNANDEZ,

Respondent.

**FINAL ORDER**

On May 2, 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. § 54-2002, as defined by § 2054-2004(36)(a), (c) and (d): Engaging in the business or acting in the capacity of a real estate broker or real estate salesperson when her license was on inactive status.

b. § 54-2018(9): Failing to provide timely written notice to the Commission, in the form and manner approved by the Commission, of any change of personal name.

c. § 54-2053(4): Providing misleading information to the public or prospective customers or clients by advertising herself by a name not listed on her real estate license, and by identifying herself as a "Brokerage Associate" on the team website when her license was inactive.

d. § 54-2060(6): Acting as a real estate broker or salesperson under an assumed name by advertising herself under a different name than what was listed on her real estate 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. 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 June 3, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by June 3, 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

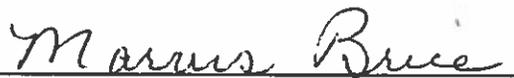
Respondent to Staff shall be deemed sufficient. Any license suspended under this paragraph may be reinstated by Staff upon proof of compliance with the stipulation term or condition as ordered by the Commission.

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 2nd day of May, 2016.

FOR THE COMMISSIONERS:

  
Marvis Brice, Chair

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 3rd day of May, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Natalie Lemas Hernandez  
KW Commercial  
1065 S Allante Place  
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](mailto: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.

SHANNON SNYDER,

Respondent.

**FINAL ORDER**

On May 2, 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. § 54-2050(1)(a) and (c) – Failure to include conspicuous and definite beginning and expiration dates and a price on the Harrisburg property seller representation agreement.

b. § 54-2087(1) – Failure to perform the terms of the written seller representation agreement with the client by neglecting to ensure the Harrisburg property was advertised on the MLS.

c. § 54-2087(2) – Failure to exercise reasonable skill and care in handling Seller's listing.

d. § 54-2087(4) – Failure to promote the best interests of the client in good faith, honesty and fair dealings.

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 July 3, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by June 3, 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's shall successfully complete the following Idaho real estate educational course by November 3, 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, and 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 2nd day of May, 2016.

FOR THE COMMISSIONERS:

Marvis Brice  
Marvis Brice, Chair

## CERTIFICATE OF SERVICE

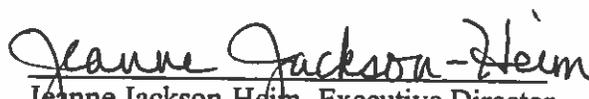
I HEREBY CERTIFY that on this 3rd day of May, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Shannon R. Snyder  
Kamiah Properties  
PO Box 442  
Kooskia, ID 83539

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](mailto:efn@naylorhales.com)

U.S. Mail  
 Email  
 Facsimile Transmission

  
Jeanne Jackson-Heim, Executive Director  
Idaho Real Estate Commission