

**IDAHO REAL ESTATE COMMISSION**  
**MEETING MINUTES**  
**June 14, 2016**

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at 800 N Overland Ave., Burley, Idaho on Thursday, June 14, 2016 at 8:00 a.m.

**Commission Members Present:**

Marvis Brice, Chair, Burley  
Mike Gamblin, Vice Chair, Boise  
Kathy Weber, Member, Moscow  
Michael James Johnston, Member, Idaho Falls

**Comprising a quorum of the Commission**

**Members Absent:**

**Staff Present:**

Jeanne Jackson-Heim, Executive Director  
MiChell Bird, Licensing & Education Director  
Craig Boyack, Chief Investigator  
Jessica Valerio, Administrative Assistant II

**Others Present:**

Maurie Ellsworth, Commission's Legal Counsel (for Executive Session by telephone)  
Marion Wadsworth, Idaho REALTORS®, South District Vice President  
See attached list

**Introductions:**

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

Meeting was called to order at 8:12 a.m. MT by Commission Chair Marvis Brice.

**Approval of Meeting Minutes:** Motion was made by Kathy Weber to approve the May 2, 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:

- **April/May 2016 Financial Report(s)**
- **License Base Analysis**

- **Examination Statistics**
- **Complaint Summary Report April/May 2016**
- **Enforcement Telephone Activity Log(s) April/May 2016**
- **Audit Report(s) April/May 2016**

**Idaho REALTORS®:** Marion Wadsworth reported on events from the NAR mid-year meeting in Washington, D.C. Registration opens July 1<sup>st</sup> for Annual Business Conference in Coeur d'Alene.

#### **Executive Director's Report:**

- **Consideration of Proposed "Coming Soon" Guideline** - Jeanne presented a proposed new Guideline #8 - "Coming Soon" Listings – After discussion Kathy Weber moved to adopt the guideline with the language changes discussed. Motion carried.
- **Revisions to Existing Guidelines** - Mike Johnston proposed changing Guideline #13 – Advertising. Discussion followed. *Follow up item* – continue discussion at the July meeting, including a possible law change.
  - Mike Gamblin moved to delete Guideline #11 – motion carried.
  - Mike Gamblin moved to delete Guideline #21 – motion carried.
- **Legal Services Contract for FY2017** - Jeanne reported that the MOU for legal services with Idaho Bureau of Occupational Licensing (IBOL) will not be renewed due to workload of IBOL staff. Presented a new legal services contract for FY2017 with Jean Uranga. After discussion, Kathy Weber moved to authorize Jeanne to execute the contract on behalf of the Commission. Motion carried.

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

- **Appointment of Education Council Member** - MiChell presented two applications for the position from the South Central District. After discussion, Mike Gamblin moved to appoint Shelly Shoemaker to the Education Council. Motion carried.
- **Update on Training Video** - filmed last week in Dallas. Staff has received the rough cut and the final should be done next week.

#### **Enforcement:**

#### **Proposed Default Order:**

**Staff vs. Rupert Leon Edgar and Income Property Consultants:** In the matter of Rupert Leon Edgar and Income Property Consultants. Based on the record showing that the Administrative Complaint was filed and personally served on the Respondent more than 21 days ago, and the Respondent has failed to file any Answer or other motion; a motion was made by Kathy Weber that a Notice of Proposed Default Order be issued in this case, advising the Respondent he has 7 days to file a petition showing why the proposed order

should not be entered and, further, that Mike Gamblin, as the local member of the Commission, be appointed as presiding officer who, upon the expiration of the 7-day period, will either sign the Final Order or issue an order setting aside the proposed default order. Motion carried.

### **Stipulations:**

**Staff vs. Robert “Bob” Hurtt, Case No. 15-0353:** 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. Betty J. Lanum, Case No. 15-0434:** 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 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.

**Probable Cause Memo #16-0090:** A motion was made by Mike 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. Mike 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.

**Probable Cause Memo #16-0098:** A motion was made by Mike 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. Mike 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.

**Probable Cause Memo #16-0125:** A motion was made by Mike 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. Mike 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), and 74-206(1)(d), a motion was made by Mike Johnston at 1:05p.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, and considered records exempt from disclosure under the Public Records Act, Chapter 1, Title 74, Idaho Code, relating to information obtained as part of an inquiry into fitness to be granted or retain a license or certificate.

There being no further purpose for executive session, Kathy Weber moved to reconvene in open session at 2:44 p.m. Motion carried.

**Exemption Review #16-006:** Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion and review of the documents submitted, motion was made by Michael J. Johnston to approve request for exemption. Motion carried.

**Exemption Review #16-007:** Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion and review of the documents submitted, motion was made by Michael J. Johnston to deny request for exemption. Motion carried. Mike Gamblin abstained from vote.

**Exemption Review #16-008:** Request seeking an exemption from felony disqualification pursuant to Idaho Code 54-2012(1)(g); following discussion and review of the documents submitted, motion was made by Michael J. Johnston to request supplemental information from the applicant. Motion carried.

**Special Consideration #16-009:** Request seeking waiver or modification of licensing requirements pursuant to Idaho Code 54-2012(1); following discussion and review of the documents submitted, motion was made by Michael J. Johnston to deny request. Motion carried.

There being no further business, Chair Brice adjourned the meeting at 2:44 p.m. MT.

Respectfully submitted,

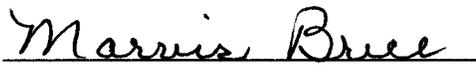


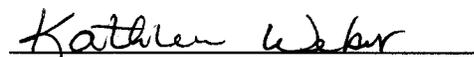
Jeanne Jackson-Heim  
Executive Director

JV: \_\_\_\_\_

- Attachments:
- April/May 2016 Financial Report(s)
  - License Base Analysis April/May 2016
  - Examination Statistics
  - Complaint Summary Report
  - Enforcement Telephone Activity Log(s) April/May 2016
  - Audit Report(s) April/May 2016
  - Final Orders

**Minutes of the Idaho Real Estate Commission meeting on June 14, 2016 are hereby approved.**

  
Marvis Brice, Chair

  
Mike Gamblin, Vice Chair

  
Kathy Weber, Member

  
Michael J. Johnston, Member

# IDAHO REAL ESTATE COMMISSION MEETING ATTENDANCE SHEET

**Date:** June 14, 2016  
**Credit:** Up to 4 CE Elective Credits

**Location:** Best Western Burley Inn  
 800 N. Overland Ave.  
 Burley, ID 83318

CE Credit Yes/No	Print Name	Signature	License # (If applicable)	Time In	Time Out
1 yes	Dick Groves	<i>Dick Groves</i>	SP2885	7:40	11:58
2 Yes	Richard B Strickland Jr	<i>Richard B Strickland Jr</i>	DB 170487	7:40	11:57
3 Yes	Paige Cox	<i>Paige Cox</i>	SP41830	7:50	11:57
4 yes	Pauline Evans	<i>Pauline Evans</i>	SP42880	7:50	11:57
5 Yes	Marion Wadsworth	<i>Marion Wadsworth</i>	SP34970	7:50	
6 Yes	Christina Ambroz	<i>Christina Ambroz</i>	SP42381	7:50	12:00
7 yes	Jeffrey Coftro	<i>Jeffrey Coftro</i>	DB 44192	7:55 AM	11:57 AM
8 yes	Martin Vegar-Pez	<i>Martin Vegar-Pez</i>	SP42637	7:57	12:00
9 Yes	Sheri Sones	<i>Sheri Sones</i>	AB24908	8:00	11:55
10 Yes	Tom Worthington	<i>Tom Worthington</i>	SP33309	8:00	
11 NO	Lloyd Smith	<i>Lloyd Smith</i>	DB21603	8:28	
12					
13					

**IDAHO REAL ESTATE COMMISSION - May 31, 2016**

	Personnel	Operating	Capital	Total w/o CP	CP Fine Exp.	Grand Total
Leg. Approp. FY 2016	965,300.00	460,184.40	-	1,425,484.40	94,015.60	1,519,500.00
Actual YTD Expend.	<u>780,130.55</u>	<u>332,137.86</u>	<u>0.00</u>	<u>1,112,268.41</u>	<u>36,406.43</u>	<u>1,148,674.84</u>
Approp. Balance:	185,169.45	128,046.54	0.00	313,215.99	57,609.17	370,825.16
% Used	80.82%	72.17%	0.00%	78.03%	38.72%	75.60%

	Operating Cash	CP Fines Cash	Total Cash
From FY 2015	1,858,563.67	890,836.53	2,749,400.20
YTD Revenues	862,919.08	165,428.37	1,028,347.45
YTD Expenses	<u>-1,051,718.19</u>	<u>-96,956.65</u>	<u>-1,148,674.84</u>
<b>Cash FY 2016 YTD</b>	<b>1,669,764.56</b>	<b>959,308.25</b>	<b>2,629,072.81</b>

**TOTALS**  
(Incl. CP Fine)

	April	May	Total YTD	April-May CP Fine	Mon	YTD CP Fine
<b>REVENUE</b>						
1020 License Fees		73,450.00	766,790.00			
1025 Regulatory Fees - Land Reg.		6,539.75	41,245.00			
1160 Education Fees		2,350.00	8,600.00			
1315 CP Fines		15,199.50	165,428.37	15,199.50	165,428.37	
1545 IDW Registrations		3,875.00	8,400.00			
1555 Other Sale of Service		150.00	1,490.00			
1730 Printed Matter		157.68	3,220.80			
3640 Late Renewal Fees		1,100.00	16,300.00			
3650-01 Legal Fees Recovered		155.00	16,873.28			
<b>TOTAL REVENUE</b>			102,976.93	1,028,347.45		

<b>PERSONNEL COSTS</b>		65,041.22	75,755.75	780,130.55	4,950.05	6,934.88	60,550.22
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**OPERATING EXPENSES**

5020 Postal & Mail			9,666.12			4,084.00
5029 Data Line Charges	170.03		1,732.12			
5030 Phone/Fax	1780.01		7,910.98			
5033 Cell Phone	74.24		741.28		20.00	338.59
5035 A/V Conferencing		20.00	358.54			
<b>TOTAL COMM.</b>	20	2,024.28	20,409.04	1,251.71		400.00
5070 Training Services		20.00	11,680.00	0.00		
<b>TOTAL EMPL. DEV.</b>	69.81		834.45			
5104 Doc. Mgmt	0		46.25			
5113 Security Services	0	750.00	1,550.00		750.00	1,550.00
5124 Honoraria	0	349.00	349.00			
5135 Group Publications	0	79.00	639.22		79.00	639.22
5150 Other Gen. Services	0		3,418.92	1,247.81		
<b>TOTAL GEN. SERVICE</b>	0	69.81	2,500.00			
5155 LSO Audit	0		67,828.27			
5166 Legal Fees	0	-3,387.85				

5168 Hearing Officer	0					1,375.00	
5170 Consultant - General	59					59.00	
5176 Consultant - Legal	180		3,140.00			3,320.00	
5199-01 Investigative Expense	22.8					67.80	
5199-02 Instructors	2175					4,787.00	
5199-03 Other Misc. Prof.	4850					20,418.17	
5199-04 CP Fund Awards	0					<u>2,500.00</u>	
TOTAL PROF. SERVICE		7,286.80				102,855.24	12,137.00
5225 Office Equip. Services	0					247.66	
5230 Vehicle Services	10		29.99			1,897.79	10.00
5241 Server & Storage Harc	0					164.84	
5244 Cyber-Security Hardw	0					363.00	
5246 Server & Storage Softw	1500					<u>21,656.25</u>	
TOTAL REPAIR & MAINT.		1,510.00				24,329.54	
5260 Printing Services	50.05		788.20			3,792.08	
5275 Photocopy Services	83.22		67.83			<u>971.95</u>	
TOTAL ADMIN. SERVICE		133.27				4,764.03	3,695.73
5320 Hosted Services	0					230.92	
5350 Other Computer Servi	0					<u>182.15</u>	
TOTAL COMPUTER SERV.		0.00				413.07	
5351 Employee Travel Cost:	9816.08		12,647.07			<u>62,749.20</u>	7,424.04
TOTAL TRAVEL COST		9,816.08				62,749.20	2,549.50
5410 Office Supplies	0		939.95			3,163.59	628.91
5420 Non-Capital Off. Eq.			346.23			346.23	
5450 Other Admin Supplies	0		17.97			<u>1,393.39</u>	
TOTAL ADMIN. SUPPLIES		9,816.08				4,903.21	
5465 Gasoline	100.92					<u>1,407.44</u>	
TOTAL FUEL		100.92				1,407.44	
5570 Computer Software	0					1,476.28	
5580 Computer Hardware	0					930.80	
5585 Peripheral Equipment	0					93.15	
5600 Other Computer Supp	0					<u>14.99</u>	
TOTAL COMPUTER SUPP.		0.00				2,515.22	
5618 Vehicle Supplies						<u>798.88</u>	







## Periodic Complaint Summary Report for April, 2016

BY COMPLAINT TYPE		BY LICENSE TYPE			
1	Fraudulent Misrepresentation	0	AB Associate Broker	1	
2	Continued Course of Misrepresentation	0	BO Branch Office	0	
3	Advertising Violation	1	BR Broker	0	
4	Expired License	1	CO Corporation	0	
5	Failure to account for Money or Property	0	DB Designated Broker	3	
6	Unlawful Commission Split	0	INST Instructor of a Course	0	
7	Failure to Maintain Copies or Furnish Documents	0	LB Limited Broker	0	
8	Failure to Properly Supervise	0	LC Limited Liability Company	0	
9	Dishonest and Dishonorable Dealings	0	LP Limited Liability Partnership	0	
10	Conviction of a Felony	0	MA Managing Associate Broker	0	
11	Trust Account Violations	0	MB Managing Broker	0	
12	Failure to Present Offers	0	MS Managing Salesperson	0	
13	Double Contracts	0	PA Partnership	0	
14	Other Rules Violation	0	PR Sole Proprietorship	0	
15	Other	0	PT Limited Partnership	0	
16	Lawsuit	0	SP Salesperson	11	
17	Multiple Violations - Limited Use	0	TS Timeshare/Land Registration	0	
18	Insufficient Funds Check	0	<b>Total:</b>	<b>15</b>	
19	Main or Branch Office Expired License	0	<b>BY CLOSURE CODE</b>		
20	Trust Account Disbursement Violations	0	1	No Jurisdiction	0
21	Commingling	0	2	Insufficient Evidence	2
22	Agency Violation	0	3	No Action Violation	0
23	Failure to Comply with IREC Final Order	0	4	Stipulation	8
24	Failure to Pay Child Support	1	5	Formal Action	4
25	Reckless Conduct	1	6	Other	0
26	Citation	3	7	NSF Check Repaid	0
27	Unlicensed Practice of Real Estate	0	8	Complaint Withdrawn	0
28	Failure to Complete CE	6	9	No Evidence	1
29	Failure to Maintain E & O	2	10	Lawsuit Finalized	0
30	Falsification of an Application	0	11	Voluntary Surrender of License	0
31	Timeshare	0	12	Formal Action - Dept H&W	1
32	Agency Duty Violations	0	13	Citation	3
33	Interference with a Contract	0	14	Sent to Prosecuting Attorney	0
34	Failure to disclose an Adverse Material Fact	0	15	No Probable Cause	0
<b>Totals:</b>		<b>15</b>	<b>Totals:</b> <b>19</b>		

	Apr-16	Apr-15
Total Open Complaints	15	8
Less LLR	1	0
Less Citation	3	1
Less E & O	2	0
Less CE	6	1
Net Open Complaints	3	6
Difference: -3		
Total Closed Complaints	19	5
Less LLR	1	0
Less Citation	3	1
Less E & O	2	0
Less CE	6	1
Net Closed Complaints	7	3
Difference: +4		

BY DISCIPLINARY ACTION		
CD	Cease and Desist	0
CDL	Cease and Desist Letter	0
FN	Fine/Civil Penalty	11
FR	Formal Reprimand	0
RA	Reversed on Appeal	0
RV	Revocation	0
SP	Suspension	1
SR	Staff Reprimand	4
VS	Voluntary Surrender	0
<b>Total:</b>		<b>16</b>
Total Cases Logged:		15
Total Cases Closed:		19

## Periodic Complaint Summary Report for May, 2016

BY COMPLAINT TYPE			BY LICENSE TYPE					
1	Fraudulent Misrepresentation	0	AB	Associate Broker	1			
2	Continued Course of Misrepresentation	0	BO	Branch Office	0			
3	Advertising Violation	1	BR	Broker	0			
4	Expired License	3	CO	Corporation	0			
5	Failure to account for Money or Property	0	DB	Designated Broker	2			
6	Unlawful Commission Split	1	INST	Instructor of a Course	0			
7	Failure to Maintain Copies or Furnish Documents	0	LB	Limited Broker	0			
8	Failure to Properly Supervise	1	LC	Limited Liability Company	0			
9	Dishonest and Dishonorable Dealings	1	LP	Limited Liability Partnership	0			
10	Conviction of a Felony	0	MA	Managing Associate Broker	0			
11	Trust Account Violations	0	MB	Managing Broker	0			
12	Failure to Present Offers	0	MS	Managing Salesperson	0			
13	Double Contracts	0	PA	Partnership	0			
14	Other Rules Violation	0	PR	Sole Proprietorship	0			
15	Other	1	PT	Limited Partnership	0			
16	Lawsuit	0	SP	Salesperson	13			
17	Multiple Violations - Limited Use	0	TS	Timeshare/Land Registration	0			
18	Insufficient Funds Check	0	Total: 16					
19	Main or Branch Office Expired License	0	BY CLOSURE CODE					
20	Trust Account Disbursement Violations	0						
21	Commingling	0				1	No Jurisdiction	0
22	Agency Violation	0				2	Insufficient Evidence	4
23	Failure to Comply with IREC Final Order	0				3	No Action Violation	0
24	Failure to Pay Child Support	1				4	Stipulation	7
25	Reckless Conduct	1				5	Formal Action	7
26	Citation	0				6	Other	0
27	Unlicensed Practice of Real Estate	3				7	NSF Check Repaid	0
28	Failure to Complete CE	3				8	Complaint Withdrawn	0
29	Failure to Maintain E & O	0				9	No Evidence	0
30	Falsification of an Application	0				10	Lawsuit Finalized	0
31	Timeshare	0				11	Voluntary Surrender of License	0
32	Agency Duty Violations	0				12	Formal Action - Dept H&W	1
33	Interference with a Contract	0				13	Citation	0
34	Failure to disclose an Adverse Material Fact	0				14	Sent to Prosecuting Attorney	0
		Totals: 16	15	No Probable Cause	0			
			Totals: 19					

	May-16	May-15
Total Open Complaints	16	10
Less LLR	3	3
Less Citation	0	0
Less E & O	0	1
Less CE	3	0
Net Open Complaints	10	6
Difference: +4		
Total Closed Complaints	19	19
Less LLR	3	1
Less Citation	0	2
Less E & O	0	0
Less CE	3	8
Net Closed Complaints	13	8
Difference: +5		

BY DISCIPLINARY ACTION		
CD	Cease and Desist	0
CDL	Cease and Desist Letter	0
FN	Fine/Civil Penalty	11
FR	Formal Reprimand	0
RA	Reversed on Appeal	0
RV	Revocation	1
SP	Suspension	2
SR	Staff Reprimand	1
VS	Voluntary Surrender	0
		Total: 15
Total Cases Logged:		16
Total Cases Closed:		19

## Idaho Real Estate Commission Enforcement Department - Telephone Activity Log

April-16

Short Sales & Foreclosures	Property Management	Contractual or other Non Jurisdiction	Unlicensed Practice	Internal Complaint**	Consumer Complaint (with or without merit)		Licensee Complaint (with or without merit)		Assistance Calls	
					Type of Complaint		Type of Complaint		Topic of Call	
					Advertisement	6	Advertisement	8	Agency	11
	5	58	2	86	Adverse Material Fact	2	Unlicensed Practice	3	Trust Account	10
					Misrepresentation	10	Misrepresentation		Terms/Forms	10
					Other	12	Other	12	Other	136
<u>0</u>	<u>5</u>	<u>58</u>	<u>2</u>	<u>86</u>		<u>30</u>		<u>23</u>		<u>167</u>

<b>Total of All Enforcement Calls</b>	<b>371</b>
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\*\*Internal Complaints = (Outgoing calls related to investigations, CE, E&O, advertising, audit & citations, and late license renewal)

## Idaho Real Estate Commission Enforcement Department - Telephone Activity Log

**May-16**

Short Sales & Foreclosures	Property Management	Contractual or other Non Jurisdiction	Unlicensed Practice	Internal Complaint**	Consumer Complaint (with or without merit)		Licensee Complaint (with or without merit)		Assistance Calls	
					Type of Complaint	Type of Complaint	Agency	Topic of Call		
					Advertisement	2	Advertisement	2	Agency	12
	5	51	5	77	Adverse Material Fact	4	Unlicensed Practice	13	Trust Account	14
					Misrepresentation	3	Misrepresentation		Terms/Forms	19
					Other	13	Other	5	Other	129
<u>0</u>	<u>5</u>	<u>51</u>	<u>5</u>	<u>77</u>		<u>22</u>		<u>20</u>		<u>174</u>

<b>Total of All Enforcement Calls</b>	<b><u>354</u></b>
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\*\*Internal Complaints = (Outgoing calls related to investigations, CE, E&O, advertising, audit & citations, and late license renewal)

# April 2016 Audit Report

This month I did audits in American Falls, Pocatello, Lewiston, Clarkston, Ketchum and Hailey.

I awarded a place on our Honor Roll to Richard White of Re/Max River Cities in Lewiston, Wendy Price of Century 21 Price Right in Lewiston and James Figge of Sun Valley Associates of Sun Valley.

I issued three citations: two for commingling of funds in a trust account and one for failure to account for all entrusted funds.

In the Sun Valley area, most offices had violations in agency disclosure. I used this opportunity to educate about when representation agreements are necessary, how the "confirmation" section of the offer to purchase must reflect that relationship and what elements are required on a representation agreements.

There are some offices I have done several audits and they have made improvements each time.

## Detailed Audit Summary Report for Idaho 01-Apr-2016 to 26-Apr-2016

Violation Type	# of Violations
Failure to Account Violation of Idaho Code sectic	1
Commingling	2
Advertising	0
Listings/Offer to Purchase	2
Agency Disclosure	11
Display of License	0
Miscellaneous	0
Record Keeping	19
Closing Statements	0
Trust Accounting	2
Any audit with more than 10 Violations.	0
<b>Totals</b>	<b>36</b>
<b>Total Offices Visited</b>	<b>20</b>

### Violations by Number and Office Size

Offices with No Violations	3
Offices with One Violation	8
Offices with 2 - 5 Violations	8
Offices with 6 - 9 Violations	1
Offices with 10+ Violations	0
<b>Totals</b>	<b>20</b>

### Offices With Violations

Limited Activity Offices	7
Major Activity Offices	10
<b>Totals</b>	<b>17</b>

### Offices With No Violations

Limited Activity Offices	0
Major Activity Offices	3
<b>Totals</b>	<b>3</b>

# May 2016 Audit Report

One week I performed audits in the Boise area, another in Soda Springs, Preston, Malad City and Pocatello and lastly a week in Coeur d'Alene.

Katie Miller of TripleCord Real Estate in Boise; Carolyn Sinnard of Happy Dog Realty in Meridian; Jared Christensen of Christensen Cornerstone Realty in Chubbuck; and Joel Pearl of Joel Pearl Group in Hayden all earned a place on the Honor Roll.

The majority of violations were in basic record keeping.

Some brokers had violations in offers to purchase and representation agreements. Late earnest money deposit or delivery was also a problem.

**Detailed Audit Summary Report for Idaho  
01-May-2016 to 31-May-2016**

<b>Violation Type</b>	<b># of Violations</b>
Failure to Account Violation of Ida	0
Commingling	0
Advertising	0
Listings/Offers to Purchase	8
Agency Disclosure	11
Display of License	0
Miscellaneous	0
Record Keeping	23
Closing Statements	0
Trust Accounting	4
Any audit with more than 10 Violat	0
<b>Totals</b>	<b>46</b>
<b>Total Offices Visited</b>	<b>20</b>

**Violations by Number and Office Size**

Offices with No Violations	4
Offices with One Violation	3
Offices with 2 - 5 Violations	11
Offices with 6 - 9 Violations	1
Offices with 10+ Violations	0
<b>Totals</b>	<b>19</b>

**Offices With Violations**

Limited Activity Offices	6
Major Activity Offices	9
<b>Totals</b>	<b>15</b>

**Offices With No Violations**

Limited Activity Offices	1
Major Activity Offices	3
<b>Totals</b>	<b>4</b>

## Proposed Guideline #8 (eff. July 1, 2016)

### Coming Soon Listings

The Idaho Real Estate Commission receives many calls about property being advertised as “Coming Soon.” There are legitimate reasons to promote a property this way, and there are some nefarious reasons as well. As with most things, this issue is fact specific.

A seller may want to advertise a property as “Coming Soon” if there are repairs underway, packing that hasn’t concluded, or even yardwork that should be addressed.

Idaho Code 54-2050 provides that all representation agreements must be in writing. In order to advertise a property at all, including “Coming Soon,” the brokerage must possess a written listing agreement before placing the sign and beginning marketing activities. This agreement must include all of the required elements detailed under 54-2050.

Too many times, however, the property is advertised as “Coming Soon” for the purpose of excluding the open market from selling the property. The listing agent, or agency, believes they can produce a buyer without any additional assistance from competing licensees. Selling his or her own listing allows the licensee to pocket more of the sales commission than cooperating with another licensee or brokerage.

Some licensees work with investor buyers who are looking for exceptional prices on property to flip. When a licensee promotes a property as “Coming Soon,” but is actually marketing the property to a select group of buyers, it is a **misleading advertisement**. The property was not “Coming Soon,” it was only available to a select group.

This type of action harms sellers, and the market at large, because the property was not correctly exposed to fair competition. Many of these properties sell for less than they might if offered across a broader spectrum.

Idaho Code 54-2086(1)(a) & (b) requires a licensee to perform ministerial acts on behalf of a customer, and to perform these acts with **honesty, good faith**, and reasonable skill and care.

When agency is created, Idaho Code 54-2087(4) requires the licensee to promote the **best interest** of the client, and to seek a buyer to purchase the property at a price, and under terms and conditions acceptable to the seller.

Claiming that a seller accepted an offer and, therefore, they were content with their transaction, is not a safe haven. It is no guarantee that the licensee acted with **honesty, good faith**, and reasonable skill and care.

If the licensee is marketing property to a limited pool of potential buyers, either to benefit investor clients, or to double-end the sales commission, he or she is not acting with **honesty or good faith**. He or she is not promoting the **best interest** of the seller client.

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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.

RUPERT LEON EDGAR and  
INCOME PROPERTY CONSULTANTS,

Respondents.

Case Nos. 15-0152, 15-0153

**NOTICE OF PROPOSED  
DEFAULT ORDER**

A complaint in the above-entitled matter was filed with the Commission April 7, 2016, and duly served upon Respondents on April 16, 2016. More than 21 days have elapsed and no Answer has been filed by either of the Respondents.

THEREFORE, pursuant to Section 67-5242(4) Idaho Code and IDAPA 33.01.02.800, the Commission proposes to enter a default order in the form of the Final Order attached hereto as Exhibit A. Respondents shall have seven (7) days after service of this Notice of Proposed Default Order within which to file a written petition requesting that the proposed default order not be entered. Such

petition must state the grounds upon which Respondents believe the proposed Final Order should not be entered.

Issued this 14th day of June 2016.

FOR THE COMMISSIONERS:

  
Marvis Brice, Chair

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.

RUPERT LEON EDGAR and  
INCOME PROPERTY CONSULTANTS,

Respondents.

Case Nos. 15-0152, 15-0153

**[PROPOSED]  
FINAL ORDER**

1. A Complaint in the above-entitled matter was filed with the Commission April 7, 2016, and served upon Respondents on April 16, 2016.

2. No Answer or other responsive pleadings or motions have been filed within the time prescribed by law, and after being served with a Notice of Proposed Default Order, the Respondents have failed to timely file a Petition preventing entry of the proposed default Final Order.

3. Based upon this record, and as provided by Rule 800 of the Rules of Practice and Procedure of the Idaho Real Estate Commission, IDAPA 33.0102.800, Staff of the Idaho Real Estate Commission is entitled to entry of this default order, which Complaint seeks a civil penalty fine and costs and attorney's fees based upon the verified allegations that Respondents violated the following statutes:

Idaho Code 54-2002, as defined by Idaho Code 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.

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. Each Respondent is ordered to pay a \$1,500.00 civil penalty by July 25, 2016.

2. Each Respondent is ordered to pay reasonable attorney's fees and costs actually incurred by Staff in the investigation and enforcement of this action, which amount is \$750.00 (\$375.00 each) as of the date the Complaint was filed, and which amount is deemed reasonable in the case of default; such fees shall be due and payable by July 25, 2016.

3. All fines and attorney's fees are due and payable pursuant to the terms of this Final Order, and in any event, all monies paid by Respondents will be applied towards the costs and attorney's fees first, before application to the civil penalty. 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. This is a Final Order of the Agency. Any aggrieved party may file a Motion for Reconsideration of this Final Order within fourteen (14) days of the date of service of this Final Order. The Commission will dispose of the Petition [Motion] for Reconsideration within twenty-one (21) days of its receipt, or else the Petition will be deemed denied by the operation of law. See section 67-5246(4), Idaho Code.

5. Judicial Review – Place of filing. Pursuant to section 67-5272, Idaho Code, any party aggrieved by this Final Order or Orders previously issued in this case may seek judicial review of this Final Order and all previously issued Orders in this case to district court by filing a Petition for Review in the district court of the county in which:

- A. a hearing was held;
- B. the final agency action was taken;
- C. the party seeking review of the Order resides or operates its principal place of business in Idaho.

6. Judicial Review – Time for Filing. Pursuant to section 67-5273, Idaho Code, any Petition for Judicial Review must be filed:

- A. within twenty-eight (28) days of the date of service of this Final Order; or, if a Petition for reconsideration is filed,
- B. within twenty-eight (28) days of the date of the Commission's decision on that Petition, or of the Commission's failure within twenty-one (21) days to issue a decision on the petition, whichever is later.

A Cross-Petition for Judicial Review may be filed within fourteen (14) days after a party is served with a copy of the notice of the Petition for Judicial Review.

The filing of a Petition for Review in the District Court does not itself stay the effectiveness or enforcement of the Order being appealed. See Idaho Code 57-5274.

7. 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 at Respondents' last known address on file at the Commission office.

ISSUED this \_\_\_\_\_ day of June, 2016.

FOR THE COMMISSIONERS:

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Mike Gamblin, Member

**CERTIFICATE OF SERVICE**

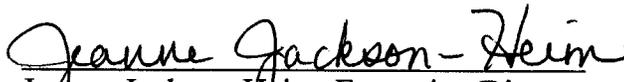
I HEREBY CERTIFY that on this 15th day of June, 2016, I caused to be served, by the methods indicated, a true and correct copy of the Notice of Proposed Default Order and the Proposed Final Order upon:

Rupert Leon Edgar  
Income Property Consultants  
66 S Ventura Ave Ste 223  
Ventura, CA 93001

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

Comm

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.

RUPERT LEON EDGAR and  
INCOME PROPERTY CONSULTANTS,

Respondents.

Case Nos. 15-0152, 15-0153

**FINAL ORDER**

1. A Complaint in the above-entitled matter was filed with the Commission April 7, 2016, and served upon Respondents on April 16, 2016.

2. No Answer or other responsive pleadings or motions have been filed within the time prescribed by law, and after being served with a Notice of Proposed Default Order, the Respondents have failed to timely file a Petition preventing entry of the proposed default Final Order.

3. Based upon this record, and as provided by Rule 800 of the Rules of Practice and Procedure of the Idaho Real Estate Commission, IDAPA

33.0102.800, Staff of the Idaho Real Estate Commission is entitled to entry of this default order, which Complaint seeks a civil penalty fine and costs and attorney's fees based upon the verified allegations that Respondents violated the following statutes:

Idaho Code 54-2002, as defined by Idaho Code 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.

NOW, THEREFORE, IT IS HEREBY ORDERED, as follows:

1. Each Respondent is ordered to pay a \$1,500.00 civil penalty by July 25, 2016.

2. Each Respondent is ordered to pay reasonable attorney's fees and costs actually incurred by Staff in the investigation and enforcement of this action, which amount is \$750.00 (\$375.00 each) as of the date the Complaint was filed, and which amount is deemed reasonable in the case of default; such fees shall be due and payable by July 25, 2016.

3. All fines and attorney's fees are due and payable pursuant to the terms of this Final Order, and in any event, all monies paid by Respondents will be applied towards the costs and attorney's fees first, before application to the civil penalty. 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. This is a Final Order of the Agency. Any aggrieved party may file a Motion for Reconsideration of this Final Order within fourteen (14) days of the

date of service of this Final Order. The Commission will dispose of the Petition [Motion] for Reconsideration within twenty-one (21) days of its receipt, or else the Petition will be deemed denied by the operation of law. See section 67-5246(4), Idaho Code.

5. Judicial Review – Place of filing. Pursuant to section 67-5272, Idaho Code, any party aggrieved by this Final Order or Orders previously issued in this case may seek judicial review of this Final Order and all previously issued Orders in this case to district court by filing a Petition for Review in the district court of the county in which:

- A. a hearing was held;
- B. the final agency action was taken;
- C. the party seeking review of the Order resides or operates its principal place of business in Idaho.

6. Judicial Review – Time for Filing. Pursuant to section 67-5273, Idaho Code, any Petition for Judicial Review must be filed:

- A. within twenty-eight (28) days of the date of service of this Final Order; or, if a Petition for reconsideration is filed,
- B. within twenty-eight (28) days of the date of the Commission's decision on that Petition, or of the Commission's failure within twenty-one (21) days to issue a decision on the petition, whichever is later.

A Cross-Petition for Judicial Review may be filed within fourteen (14) days after a party is served with a copy of the notice of the Petition for Judicial Review.

The filing of a Petition for Review in the District Court does not itself stay the effectiveness or enforcement of the Order being appealed. See Idaho Code 57-5274.

7. 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 at Respondents' last known address on file at the Commission office.

ISSUED this 22 day of June, 2016.

FOR THE COMMISSIONERS:

A handwritten signature in black ink, appearing to read 'Mike Gamblin', written over a horizontal line.

Mike Gamblin, Member

**CERTIFICATE OF SERVICE**

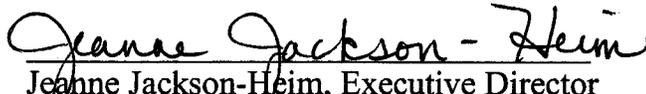
I HEREBY CERTIFY that on this 22nd day of June, 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Rupert Leon Edgar  
Income Property Consultants  
66 S Ventura Ave Ste 223  
Ventura, CA 93001

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

copy

**BEFORE THE IDAHO REAL ESTATE COMMISSION**

STAFF OF THE IDAHO REAL  
ESTATE COMMISSION,

Petitioner,

vs.

ROBERT "BOB" HURTT,

Respondent.

**FINAL ORDER**

On June 14, 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. § 54-2012(1)(l) – No Idaho sales associate may be licensed under or associated with more than one (1) Idaho broker at a time.

b. § 54-2053(4) – Providing information to the public or to prospective customers or clients which is misleading in nature. Hurtt held himself out to the public and to at least three clients as being affiliated with ERA while his license was affiliated with Century 21 or on inactive status.

c. § 54-2060(12) – Reckless conduct in a regulated real estate transaction.

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 July 15, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by July 15, 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 December 15, 2016:

- Business Conduct and Office Operations<sup>1</sup>

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, 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.

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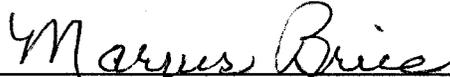
<sup>1</sup> Respondent shall not take this class from Maurice Clifton.

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 14th day of June, 2016.

FOR THE COMMISSIONERS:

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

Robert "Bob" Hurtt  
ERA West Wind Real Estate  
950 N Cole Rd  
Boise, ID 83704

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.

BETTY J. LANUM,

Respondent.

**FINAL ORDER**

On June 14, 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. § 54-2048(2): Failing to show proof of delivery of the closing statement to the buyer and seller by their signatures on copies of closing statement, which shall be retained in the broker's transaction file.

b. § 54-2048(3): Failing to include a true and correct copy of the signed closing statement in the transaction file for the retention period required in the license law.

c. § 54-2060(4): Failure to keep adequate records of all property transactions in which the person acts in the capacity of real estate broker or salesperson.

d. § 54-2060(11): Engaging in conduct which constitutes dishonest or dishonorable 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 August 15, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by July 15, 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 December 15, 2016:

- Risky Business #1

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, 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.

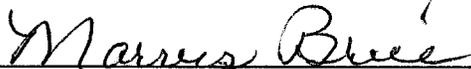
5. The Commission shall be entitled to seek an injunction or order from the district court to enforce the provisions of this Final Order without further

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 14th day of June, 2016.

FOR THE COMMISSIONERS:

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

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order upon:

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](mailto:efn@naylorhales.com)

U.S. Mail  
 Email  
 Facsimile Transmission

  
Jeanne Jackson-Heim, Executive Director  
Idaho Real Estate Commission