

**IDAHO REAL ESTATE COMMISSION
MEETING MINUTES
July 21, 2016**

Pursuant to notice given, the meeting of the Idaho Real Estate Commission (Commission) was held at 575 E. Parkcenter Blvd., Suite 180, Boise, Idaho on Thursday, July 21, 2016 at 8:30 a.m.

Commission Members Present:

Marvis Brice, Burley
Mike Gamblin, Boise
Kathy Weber, Moscow
Michael James Johnston, 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 2

Others Present:

Jean Uranga, Commission's Legal Counsel
Gideon Tolman, Financial Management Analyst, Division of Financial Management
See attached list

Introductions:

- Commissioners, Staff, Guests

Meeting was called to order at 8:31 a.m. MT by Commission Chair Marvis Brice.

Approval of Meeting Minutes: Motion was made by Mike Gamblin to approve June 14th Commission meeting minutes. Motion carried.

Commission Reorganization:

- Election of a Chair for the Commission. Motion was made by Kathy Weber to elect Mike Gamblin as the Chairperson for the Commission for the time period of July 2016 through June 2017. Motion carried.
- Election of a Vice Chair for the Commission. Motion was made by Kathy Weber to elect Michael J. Johnston as the Vice Chairperson for the Commission for the time period of July 2016 through June 2017. Motion carried.

Staff Reports:

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

- June 2016 and Year End Financial Report
- License Base Analysis
- License Examination Statistics Report
- Complaint Summary Report and Year End Summary
- Enforcement Telephone Activity Logs June 2016 and Year End Summary
- Audit Report June 2016 and Year End Summary
- Education/Licensing Telephone Log

Idaho REALTORS®: LaDawn Anderst reported on activities of the association and membership numbers of 7704 active REALTOR® members.

Executive Director's Report:

- Approval of FY2017 Management and Travel Budget- after discussion motion was made by Marvis Brice to accept budget with changes discussed. Motion carried.
- Possible Law Change Ideas – after discussion Michael J. Johnston moved to direct staff to submit law change idea for advertising requirements and cooperative agreements with out of state brokers. Motion carried.

Enforcement:

Stipulations

Staff vs. Craig A. Panike: Withdrawn from the agenda.

Staff vs. Barbara Jean Dopp: The parties Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken. Motion was made by Marvis Brice 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. Reata J. Conner: The parties Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken. Motion was made by Michael J. 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. Ronda Conger: The parties Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken. Motion was made by Kathy Weber to approve the Stipulation 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. Michael Mizrahi: The parties Stipulation in this matter was presented for ex parte hearing and tape-recorded. Craig Boyack was sworn in and presented the Stipulation. No other testimony was taken. Motion was made by Marvis Brice 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.

Executive Session: In accordance with the provisions of Idaho Code 74-206(1)(d), a motion was made by Michael J. Johnston 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, the meeting was reconvened in open session.

Exemption Review #16-011: 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 #16-012: 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.

Exemption Review #16-013: 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 #16-014: 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.

Disciplinary Hearing

Staff vs. Alex Castaneda at 12:30 p.m.

The parties' Stipulation in this matter was presented for hearing before the Commissioners with Chair Mike Gamblin serving as presiding officer. The hearing was tape recorded. The parties stipulated to the admission of all offered exhibits. Staff and Respondent made opening statements. Respondent called Barry Bracket and Debbie Owen as witnesses. They were sworn and testified. Staff called Esteban Martinez as witness by phone. He was sworn and testified by phone. Respondent was sworn and testified. Staff called Brenda Hughes as witness. She was sworn and testified. Respondent and Staff made closing arguments. Hearing was adjourned at 2:27 p.m. Discussion followed. The matter will be taken under advisement and placed on the August 24 agenda.

Motion was made by Mike Gamblin to adjourn the meeting at 2:48 p.m. Motion carried.

Respectfully submitted,



Jeanne Jackson-Heim
Executive Director

JJH: jv

Attachments: Final Orders

Minutes of the Idaho Real Estate Commission meeting in Boise, Idaho, on July 21, 2016, are hereby approved.



Mike Gamblin, Chair



Michael J. Johnston, Vice Chair



Kathy Weber, Member



Marvis Brice, Member

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

BARBARA JEAN DOPP,

Respondent.

FINAL ORDER

On July 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

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

b. § 54-2053(4) – No advertising shall provide any information to the public or to prospective customers or clients which is misleading in nature. Information is misleading if, when taken as a whole, there is a distinct probability that such information will deceive the persons whom it is intended to influence.

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

IT IS HEREBY ORDERED, as follows:

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

2. Fines and Fees

a. Respondent shall pay a Two Thousand Five Hundred Dollar (\$2,500.00) civil fine by August 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by August 22, 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 omission.

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 21st day of July, 2016.

FOR THE COMMISSIONERS:



Mike Gamblin, Chair

CERTIFICATE OF SERVICE

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

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

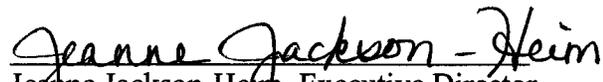
 X U.S. Mail
 Email
 Facsimile Transmission

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

 X U.S. Mail
 Email
 Facsimile Transmission

Mr. Kirtlan G. Naylor
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
kirt@naylorhales.com

 U.S. Mail
 X 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.

REATA J. CONNER,

Respondent.

FINAL ORDER

On July 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

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

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 August 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by August 22, 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 omission.

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 21st day of July, 2016.

FOR THE COMMISSIONERS:



Mike Gamblin, Chair

CERTIFICATE OF SERVICE

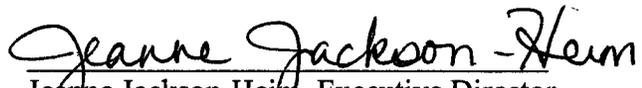
I HEREBY CERTIFY that on this 22nd day of July 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Ms. Reata J. Conner
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

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.

RONDA CONGER,

Respondent.

FINAL ORDER

On July 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violations of the Real Estate License Law and Rules, Idaho Code:

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

b. § 54-2054(3) – For marketing a program that paid unlicensed individuals unauthorized finders' fees.

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 September 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by August 22, 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, 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 to the investigation process set forth in Idaho Code Sections 54-2058, et seq. as authorized by the Commission.

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

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

Issued this 21st day of July, 2016.

FOR THE COMMISSIONERS:

A handwritten signature in black ink, appearing to read 'Mike Gamblin', is written over a horizontal line. The signature is fluid and cursive.

Mike Gamblin, Chair

CERTIFICATE OF SERVICE

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

Ms. Ronda S. Conger
CBH Sales & Marketing Inc.
1977 E Overland Rd
Meridian, ID 83642

U.S. Mail
 Email
 Facsimile Transmission

Mr. Tim Tyree
Hawley Troxell Ennis & Hawley, LLP
PO Box 1617
Boise, ID 83701-1617

U.S. Mail
 Email
 Facsimile Transmission

Mr. Kirtlan G. Naylor
Naylor & Hales P.C.
950 W. Bannock St. Ste. 610
Boise, ID 83702
kirt@naylorhales.com

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission

Comm
-

BEFORE THE IDAHO REAL ESTATE COMMISSION

STAFF OF THE IDAHO REAL
ESTATE COMMISSION,

Petitioner,

vs.

MICHAEL MIZRAHI,

Respondent.

FINAL ORDER

On July 21, 2016, the Commission considered the parties' Stipulation wherein Respondent admitted to the following violation of the Real Estate License Law and Rules, Idaho Code, and agreed to cease such activities:

a. § 54-2002, as defined by Idaho Code sections 54-2004(2), (12), and (36)(a), (c), and (d) – engaging in the business or acting in the capacity of real estate broker or real estate salesperson in this state without an active Idaho 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. **Cease and Desist.** Respondent shall cease and desist engaging in any of the conduct or violations set forth in the Stipulation or any other conduct violating the Idaho Real Estate License Law and Rules.

2. **Fines and Fees:**

a. Respondent shall pay a Two Thousand Dollar (\$2,000.00) civil fine by August 22, 2016.

b. Respondent shall pay costs and attorney's fees in the amount of Four Hundred Fifty Dollars (\$450.00) by August 22, 2016, and that in any event, all monies paid by Respondent be applied towards the costs/fees award first, before application to the fine.

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

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

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

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

Issued this 21st day of July, 2016.

FOR THE COMMISSIONERS:

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

Mike Gamblin, Chair

CERTIFICATE OF SERVICE

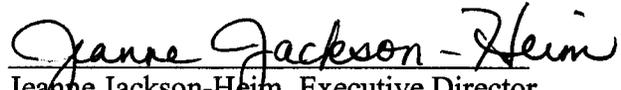
I HEREBY CERTIFY that on this 22nd day of July 2016, I caused to be served, by the methods indicated, a true and correct copy of the Final Order, upon:

Mr. Michael Mizrahi
Amerinet Exchange Real Estate
PO Box 5562
Sherman Oaks, CA 91413-5562

U.S. Mail
 Email
 Facsimile Transmission

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

U.S. Mail
 Email
 Facsimile Transmission


Jeanne Jackson-Heim, Executive Director
Idaho Real Estate Commission