

Idaho Real Estate Commission

Board/Commission Members:

- Michael J. Johnston, Idaho Falls - Chair
- Kathy Weber, Moscow
- Jill Stone, Twin Falls
- Mike Gamblin, Boise
- Martin Espil – Boise - public member

Board/Commission Composition: The Commission is composed of five Governor-appointed Commissioners, including four brokers from four geographic areas of the state, and one “at large” public member. Commissioners serve a term of four (4) years. [Idaho Code 54-2005](#)

Agency Overview

The Idaho Real Estate Commission, created in 1947, is a self-governing agency authorized under Chapter 20, Title 54, Idaho Code to administer the Real Estate License Law regulating real estate brokerage in Idaho. The Commission is a dedicated fund agency, meaning the funding for all Commission operations comes primarily from license and application fees; the Real Estate Commission receives no general fund monies.

The primary obligation of the Commission is to protect the public interest in regulated real estate transactions through administration of the Idaho Real Estate License Law and Rules and the Idaho Subdivided Lands Disposition Act, including licensing and education of real estate brokers and Sales associates, enforcement of license law violation, and registration of timeshares and out-of-state subdivision lots. IREC strives to elevate service to public and licensees through quality education programs, strict adherence to statutory licensing requirements, fair and impartial discipline, and courteous and efficient communication.

The 5 governor appointed Commissioners meet approximately seven times a year to establish the policies by which the Commission operates and to hear and decide enforcement matters. All meetings are subject to Idaho’s Open Meeting Law. Commissioners hire an Executive Director to oversee agency operations and implement Commission policies. The Commission’s 14 additional full-time employees are divided into three departments: Administration, Education & Licensing, and Enforcement.

In addition, the Real Estate Education Council is established by Idaho Code 54-2008 to serve as an advisory group to the Commission and to perform other duties related to planning, coordinating and directing education programs as authorized in the Council’s bylaws. The Education Council consists of six members: four appointed by the Commission from the four geographic areas of the state; one Commissioner; and the Commission’s Executive Director.

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Total number of current licensees:

On June 1, 2018, Idaho has 12,415 licensed real estate salesperson and brokers and 1,140 licensed real estate companies. The Commission also has 59 certified instructors and 93 certified providers (schools).

Operating costs per licensee: \$127. Based on the average number of licensees and the average expenditures since Fiscal Year 2014. This includes all administrative, fiscal, legal, and investigative services.

Time to issue a license: The shortest time from complete application to issuing a license was less than one day. The average time from complete application to issuing a license was 3 days. The longest time from complete application to issuing a license was 13 days. The total number of licenses issued from May 2017 to May 2018 was 1,780.

A. Index of Statute, Rule, and Policy Requirements for Licensure and Renewal

License Type	Statute I.C. §	Rule IDAPA 33.01.01	Policy	Application	Time from Complete Application to Final Action	Basis to Deny or Not Accept Application	Basis to Refuse Renewal	Fees IDAPA 33.01.01 100 & 101	Cost per applicant or licensee	Renewal Fees per applicant or licensee
Broker License	54-2002 54-2012 54-2013 54-2014 54-2015 54-2018 54-2022 54-2023	105 (page 3) 117 (pages 3-4) 120 (page 6)	Education & Certification Policy (pages 5-7, 9, 10-12)	Initial Application	1-10 business days (average 3 days)	54-2019	54-2018 54-2019	100.01 (pages 2-3) 101 (page 3)	\$160.00	\$160.00
Salesperson License	54-2002 54-2012 54-2013 54-2014 54-2015 54-2018 54-2022 54-2023	105 (page 3) 117 (pages 3-4) 120 (page 6)	Education & Certification Policy (pages 5-7, 9, 11-15)	Initial Application	1-10 business days (average 3 days)	54-2019	54-2018 54-2019	100.01 (pages 2-3) 101 (page 3)	\$160.00	\$160.00

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Company License	54-2016	105 (page 3) 117 (pages 3-4) 120 (page 6)	Education & Certification Policy (pages 5-7)	Branch Office Application Corporation Application LLC Application LLP Application LP Application Partnership Application Sole Proprietorship Application	1-10 business days (average 3 days)	54-2019	54-2018 54-2019	100.02 (page 3)	\$50.00	\$50.00
Cooperative Broker License	54-2017	105 (page 3) 117 (pages 3-4) 120 (page 6)		Application	1-10 business days (average 3 days)	54-2017	54-2017		\$100.00	This license is non-renewable 54-2017(2)

All salesperson, broker, and company instructor renewals are handled online without the need for a renewal application.

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License Type	Statute I.C. §	Rule IDAPA	Policy	Application	Time from Complete Application to Final Action	Basis to Deny or Not Accept Application	Basis to Refuse Renewal	Initial fee per applicant	Renewal fee per applicant
Provider Certification	54-2025 54-2026 54-2028		Education & Certification Policy (pages 17-18, 23)	Initial Application	1-10 business days (average 3 days)	54-2019 54-2034	54-2028	\$75.00	\$50.00
Instructor Certification	54-2025 54-2032 54-2033 54-2035		Education & Certification Policy (pages 17, 23-27)	Initial Application Subsequent Application	1-10 business days (average 3 days)	54-2019 54-2034	54-2035	\$50.00	\$25.00

The Commission does not have any rules that pertain to provider and instructor licensure and renewal. All requirements for providers and instructors are in statute or policy. All provider and instructor renewals are handled online without the need for a renewal application.

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Registration Type	Statute Title 55 I.C. §	Rule	Policy	Application	Time from Complete Application to Final Action	Basis to Deny or Not Accept Application	Basis to Refuse Renewal	Fees	Cost per applicant or licensee	Renewal Fees per applicant or licensee
Subdivided Lands and Timeshare Registration	55-1806 55-1808	N/A	N/A	Initial Application Renewal Application	2 days	55-1808 55-1809	55-1810	55-1809	*\$250 + \$2.50 - \$5.00 per lot fee (max. appl. fee \$3000)	*\$250 + \$1.00 per lot fee (max. appl. fee \$3000)

*fees are reduced by 25% for any applicant that submits application using the ARELLO® web based document management system (IDAPA 33.0103.100)

B. Applications and Renewals Denied or Not Acted Upon (May 2017-May 2018)

Refusal to issue initial license

Application Identification Number	Statutory Basis	Factual Summary
17-014	54-2034	Denied; insufficient experience to waive instructor requirements.
17-015	54-2034	Denied; insufficient experience to waive instructor requirements.
17-016	54-2012(1), 54-2012(1)(g)(i) and (ii)	Denied; felony exemption, not deemed to have met suitability for licensure at this time.
17-017	54-2034	Partial denial; insufficient evidence to waive course observation and student teaching.
17-025	54-2012(1)	Denied; insufficient evidence to grant extension of exam scores.
18-002	54-2012(1), 54-2012(1)(g)(i) and (ii)	Denied; felony exemption, not deemed to have met suitability for licensure at this time.
18-003	54-2034	Partial denial; insufficient experience to waive instructor requirements.
18-004	54-2034	Denied; insufficient experience to waive instructor requirements.
18-005	54-2012(1) and 54-2012(2)(a)(iii)	Denied; insufficient experience to grant broker license.
18-010	54-2012(1), 54-2012(1)(e)(i) and (ii)	Denied; revocation exemption, not deemed to be suitable for licensure at this time.
18-015	54-2012(1)(c)	Denied; insufficient experience to waive high school or general equivalency requirement.
18-017	54-2012(1)(c)	Denied; insufficient experience to waive high school or general equivalency requirement.

Criminal convictions are considered in licensure or certification applications, but are examined on a case-by-case basis. The severity, proximity in time, number or pattern, surrounding circumstances, relationship of the violation to the practice of real estate, and the applicants' activities since the crime may be a factor in determining suitability for licensure.

Refusal to issue renewal license

There have been no renewal applications denied during this time period.

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C. Disciplinary Actions (May 2017 – May 2018)

The Real Estate Commission opened **548 complaints** from May 1, 2017 through April 30, 2018. During that time period, **14 complaints closed** with no disciplinary action, **534 complaints resulted in disciplinary action** including form stipulation, audit citation, staff letter of reprimand, or formal action, approximately **35 complaints rejected** without opening an investigation, and **1 case is on appeal** in District Court, and **19 remain under investigation**.

The commission has statutory authority for suspension, revocation or other disciplinary action relating to real estate licensees under I.C.54-2058 and 54-2059.

Case No	Date of Final Action	Action Taken	Statutory Basis (IC §)	Factual Basis
17-0120	05/2017	\$200 civil fine	54-2013	Failure to maintain Errors & Omissions insurance (hereinafter Failure to maintain E&O)
17-0118 & 17-0116	05/2017	\$100 civil fine	54-2013	Failure to maintain E&O
17-0112	05/2017	\$800 civil fine	54-2018(5)	Failure to complete required Continuing Education (hereinafter Failure to complete required CE)
17-0117	05/2017	\$250 civil fine	54-2018(5)	Failure to complete required CE
17-0113	05/2017	\$1,130 civil fine	54-2002, 54-2018	Practicing real estate while license was inactive or expired (hereinafter Late License Renewal)
17-0115	05/2017	\$40 civil fine	54-2002, 54-2018	Late License Renewal
17-0121	05/2017	Suspension	54-2062	Ordered by H & W (child support)
16-0446	05/2017	Formal Reprimand, 30 mo. withheld suspension	54-2061(1)(a), 54-2061(3)	Conviction of a felony; failure to report the conviction
16-0417 & 16-0418	05/2017	Cease & Desist, \$2,500 civil fine each	54-2002	Unlicensed practice
16-0421	05/2017	Formal Reprimand, \$1,000 civil fine	54-2051(4)(a), 54-2060(3) & (12),	Failure to account for or remit any property; Gross negligence or reckless conduct; failure to perform actions with reasonable skill & care; failure to disclose adverse material facts

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			54-2086(b) & (e)	
16-0422	05/2017	Formal Reprimand, \$750 civil fine	54-2038(1)(a), 54-2044(4)(i), 54-2051(4)(a)	Failure to supervise; failure to include final disposition of the transaction on ledger card; failure to include all terms and conditions on an offer to purchase
16-0201	05/2017	Revocation	54-2061(1)(a) 54-2061(3)	Conviction of a misdemeanor which otherwise demonstrates lack of trustworthiness; failure to report conviction
16-0151 & 16-0152	05/2017	Cease & Desist, \$2,000 civil fine	54-2002, 54-2004(36)(a), (c), & (d)	Unlicensed practice
16-0236	05/2017	Cease & Desist, \$3,500 civil fine	54-2002, 54-2004(36)(a), (c), & (d)	Unlicensed practice
16-0099 & 16-0100	05/2017	Cease & Desist, \$1,500 civil fine	54-2002, 54-2004(36)(a), (c), & (d)	Unlicensed practice
16-0086	05/2017	Cease & Desist, \$3,500 civil fine	54-2002, 54-2004(36)(a), (c), & (d)	Unlicensed practice
16-0203	05/2017	Formal Reprimand; withheld revocation	54-2061(1)(a) 54-2061(3)	Conviction of a felony; failure to report conviction
16-0056	05/2017	Formal Reprimand, \$500 civil fine	54-2002, 54-2053(4)	Unlicensed practice; misleading advertising
16-0181	05/2017	Formal Reprimand; \$1,000 civil fine; Disciplinary education course	54-2051(4)(a), 54-2060(3)	Failure to make certain all offers to purchase are in writing and contain all terms and conditions of the transaction; Failure to account for or remit any property, which belong to another; Reckless conduct & gross negligence;

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			54-2060(12) 54-2086(1)(a) & (c) 54-2087(4) & (5) 54-2086	Failure to properly account for money – did not get a receipt for the earnest money; failure to promote the best interests of the clients; failure to perform ministerial acts; Failure to ensure earnest money was delivered in a timely manner.
16-0182	05/2017	Formal Reprimand; \$1,000 civil fine; Disciplinary education course	54-2038(1)(a), 54-2041(1), 54-2044(2), (3), (4) (a), (d), (i) 54-2045(1) 54-2051(4)(a) 54-2060(3) 54-2086(1)(a) and (c) 54-2087(4) & (5)	Failure to supervise; failure to be responsible for all moneys entrusted to the broker or any licensee representing the broker; failure to create a ledger card; failure to obtain a receipt for delivery of entrusted funds; failure to create an individual trust ledger record, and include the date of each disbursement on the ledger card; failure to include the final disposition of the transaction on the ledger card. Failure to account for entrusted funds; failure to make certain all offers to purchase are in writing & contain all terms & conditions; failure to account for the earnest money; failure to perform ministerial acts to assist the seller; failure to properly account for moneys place in the care of the brokerage; failure to promote the best interests of the buyer clients and failure to properly account for moneys or property placed in the care of the brokerage.
16-0199	05/2017	Formal Reprimand; withheld revocation	54-2061(1)(a)	Conviction of a felony
17-0133	06/2017	\$300 civil fine	54-2013	Failure to maintain E&O
17-0139 & 17-0150	06/2017	\$25 civil fine	54-2018(5)	Failure to complete required CE
17-0122, 17-0131, 17-0138 & 17-0147	06/2017	\$50 civil fine	54-2018(5)	Failure to complete required CE
17-0143 & 17-0148	06/2017	\$100 civil fine	54-2018(5)	Failure to complete required CE
17-0146	06/2017	\$125 civil fine	54-2018(5)	Failure to complete required CE

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17-0140	06/2017	\$200 civil fine	54-2018(5)	Failure to complete required CE
17-0135, 17-0137, 17-0145 & 17-0149	06/2017	\$250 civil fine	54-2018(5)	Failure to complete required CE
17-0129, 17-0141 & 17-0142	06/2017	\$300 civil fine	54-2018(5)	Failure to complete required CE
17-0124, 17-0132, 17-0134 & 17-0136	06/2017	\$500 civil fine	54-2018(5)	Failure to complete required CE
17-0144	06/2017	\$600 civil fine	54-2018(5)	Failure to complete required CE
17-0130	06/2017	\$725 civil fine	54-2018(5)	Failure to complete required CE
17-0123 & 17-0151	06/2017	\$800 civil fine	54-2018(5)	Failure to complete required CE
17-0157	06/2017	Staff letter of Reprimand	54-2060(7)	Misstatement on license renewal
17-0125	06/2017	\$60 civil fine	54-2002, 54-2018	Late License Renewal
17-0126	06/2017	\$70 civil fine	54-2002, 54-2018	Late License Renewal
16-0057	06/2017	Formal Reprimand; \$1,000 civil fine; Disciplinary education course	54-2054(4)	Interference with real estate brokerage agreement
16-0197	06/2017	Cease & Desist, \$4,500 civil fine	54-2002, 54-2004(36)(a), (c), & (d)	Unlicensed practice
16-0230	06/2017	Formal Reprimand; Withheld suspension; \$800 civil fine; Disciplinary education course	54-2060(12) 54-2087(4)	Reckless conduct; Failure to promote the best interests of the client
15-0048	06/2017	Formal Reprimand; \$4,500 civil fine; Disciplinary education courses; 6 month suspension; withheld revocation	54-2053(4) 54-2060(12)	Misleading advertising; Gross negligence or reckless conduct; failure to accurately disclose the brokerage's relationship with a buyer or seller; failure to extend the representation agreement after it expired; failure to perform ministerial acts to assist the customer; failure to perform

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			54-2085(3) and (5) 54-2086(1)(a) and (b)	ministerial acts with honesty, good faith, reasonable skill and care.
16-0187	06/2017	Formal Reprimand; \$500 civil fine; Disciplinary education course	54-2060(3) 54-2087(5)	Failure to account for or remit any property, real or personal or moneys coming into the person's possession which belong to another; and failure to account for property on behalf of the client;
16-0406	06/2017	Formal Reprimand; \$1,000 civil fine; Disciplinary education course	54-2060(11) and 54-2085(3)	Dishonest & dishonorable dealings; No valid Buyer Representation Agreement
17-0165	07/2017	\$50 civil fine	54-2018(5)	Failure to complete required CE
17-0169, 17-0175, 17-0181 & 17-0183	07/2017	\$100 civil fine	54-2018(5)	Failure to complete required CE
17-0166, 17-0167 & 17-0178	07/2017	\$250 civil fine	54-2018(5)	Failure to complete required CE
17-0128 & 17-0168	07/2017	\$300 civil fine	54-2018(5)	Failure to complete required CE
17-0174, 17-0176 & 17-0182	07/2017	\$500 civil fine	54-2018(5)	Failure to complete required CE
17-0160	07/2017	\$550 civil fine	54-2018(5)	Failure to complete required CE
17-0162 & 17-0163	07/2017	\$800 civil fine	54-2018(5)	Failure to complete required CE
17-0161	07/2017	\$1600 civil fine	54-2018(5)	Failure to complete required CE
17-0152	07/2017	\$10 civil fine	54-2002, 54-2018	Late License Renewal
17-0153	07/2017	\$30 civil fine	54-2002, 54-2018	Late License Renewal
17-0156	07/2017	Staff letter of Reprimand	54-2060(7)	Misstatement on license renewal
16-0440	07/2017	Formal Reprimand; withheld revocation	54-2018(9) 54-2061(1)(a)	Failure to provide notice of address change; conviction of a felony

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16-0132	07/2017	Formal Reprimand; \$500 civil fine; disciplinary education course	54-2038(1)(a) & (b) and (4)	Failure to supervise; failure to review & approve all real estate agreements; allowed person to represent brokerage while that person's license was inactive.
17-0184	08/2017	\$10 civil fine	54-2002, 54-2018	Late License Renewal
17-0192 & 17-0193	08/2017	\$150 civil fine	54-2013	Failure to maintain E&O
17-0177, 17-0199 & 17-0203	08/2017	\$25 civil fine	54-2018(5)	Failure to complete required CE
17-0198	08/2017	\$75 civil fine	54-2018(5)	Failure to complete required CE
17-0196 & 17-0202	08/2017	\$100 civil fine	54-2018(5)	Failure to complete required CE
17-0200, 17-021 & 17-0204	08/2017	\$250 civil fine	54-2018(5)	Failure to complete required CE
17-0194	08/2017	\$300 civil fine	54-2018(5)	Failure to complete required CE
17-0172, 17-0185 & 17-0186	08/2017	Staff Letter of Reprimand	54-2060(7)	Misstatement on license renewal
17-0180	08/2017	Staff Letter of Reprimand	54-2051(4)	Failure to include specific items in Purchase & Sale Agreement
17-0197	08/2017	\$75 civil fine	54-2063	Failure to account
17-0210	08/2017	Suspension	54-2062	Ordered by H & W (child support)
17-0221 & 17-0219	09/2017	\$100 civil fine	54-2018(5)	Failure to complete required CE
17-0215	09/2017	\$175 civil fine	54-2018(5)	Failure to complete required CE
17-0220	09/2017	\$250 civil fine	54-2018(5)	Failure to complete required CE
17-0225	09/2017	\$300 civil fine	54-2018(5)	Failure to complete required CE
17-0218	09/2017	\$375 civil fine	54-2018(5)	Failure to complete required CE
17-0216 & 17-0217	09/2017	\$500 civil fine	54-2018(5)	Failure to complete required CE
17-0223	09/2017	Staff Letter of Reprimand	54-2060(7)	Misstatement on license renewal

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16-0130	09/2017	Formal Reprimand, \$3,500 civil fine, Disciplinary education course, withheld revocation	54-2051(4)(c) 54-2055(1) & (3) 54-2060(3) & (12) 54-2085(3)	All offers to purchase must be in writing and contain the name of the responsible broker; Licensee must comply with entire chapter when buying, selling or acquiring or disposing of their own interest in real property; licensee must conduct all personal transactions through the broker with whom licensed; failure to account for or remit any property (late delivery of purchase & sale agreement; gross negligence or reckless conduct; brokerage must disclose its agency relationship to both buyer & seller no later than the preparation of the purchase & sale agreement
16-0131	09/2017	Formal Reprimand, \$1,500 civil fine, disciplinary education course	54-2002 54-2060(3)	Unlicensed practice (while inactive); failure to account for or remit any property
16-0189	09/2017	Formal Reprimand; \$500 civil fine; disciplinary education course	54-2060(3) 54-2086(1)(c)	Failure to account for or remit any property; failure to property account for property placed in the care & responsibility of the brokerage, on behalf of a customer.
16-0240	09/2017	Formal Reprimand; \$500 civil fine	54-2053(2)	New business name used in advertising prior to being approved by the Commission.
16-0243	09/2017	Cease & Desist; \$500 civil fine	54-2002, 54-2004(36)(a), (c), & (d)	Unlicensed practice
17-0229	09/2017	Formal Reprimand; \$500 civil fine	54-2038(1)(a) and (4) 54-2053(1) and (4)	Failure to supervise; allowing a person who is not properly licensed to represent the broker; only licensees who are actively licensed in Idaho may be named by an Idaho broker in advertising; misleading advertising
17-0080	09/2017	Formal Reprimand; \$500 civil fine; Disciplinary education course	54-2060(3) 54-2088(2)	Failure to remit transaction documents to the broker; A brokerage acting as a limited dual agent may, at the option of the brokerage and with the express written consent of the other clients, assign separate sales associates to each client.

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17-0231	10/2017	\$100 civil fine	54-2013	Failure to maintain E&O
17-0236 - 17-0240, 17-0242, 17-048 - 17-0255, 17-0257 - 17-0272, 17-0275 & 17-0276, 17-0278 - 17-0293, 17-0295 - 17-0307, 17-0310 - 17-0318, 17-0320 & 17-0321, 17-0327 - 17-0331, 17-0333, 17-0335 - 17-0340, 17-0343, 17-0345 - 17-0347, 17-0349 - 17-0360, 17-0364 - 17-0369, 17-0372 & 17-0373, 17-0376 - 17-0378	10/2017	\$150 civil fine	54-2013	Failure to maintain E&O
17-0235, 17-0244 & 17-0245, 17-0247, 17-0274, 17-0294, 17-0308 - 17-0309, 17-0332, 17-0334, 17-0341, 17-0344, 17-0348, 17-0355, 17-0358, 17-0361, 17-0370 & 17-0371, 17-0375, 18-0224	10/2017	\$300 civil fine	54-2013	Failure to maintain E&O

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17-0243, 17-0246, 17-0259, 17-0262 & 17-0263, 17-0273, 17-0359, 17-0362, 18-0179	10/2017	\$600 civil fine	54-2013	Failure to maintain E&O
17-0277	10/2017	\$2400 civil fine	54-2013	Failure to maintain E&O
17-0227	10/2017	\$30 civil fine	54-2002, 54-2018	Late license renewal
17-0379	10/2017	\$50 civil fine	54-2018(5)	Failure to complete required CE
17-0363	10/2017	\$100 civil fine	54-2018(5)	Failure to complete required CE
17-0228	10/2017	\$600 civil fine	54-2018(5)	Failure to complete required CE
17-0024	10/2017	\$800 civil fine	54-2018(5)	Failure to complete required CE
17-0455	11/2017	\$100 civil fine	54-2013	Failure to maintain E&O
17-0381	11/2017	\$300 civil fine	54-2013	Failure to maintain E&O
17-0389	11/2017	Staff letter of Reprimand	54-2060(7)	Misstatement on license renewal
17-0380, 17-0392 - 17-0396, 17-0398 & 17-0399, 17-0401 - 17-0407, 17-0409 - 17-0414, 17-0416 - 17-0419, 17-021, 17-0424 & 17-0425, 17-0428, 17-0438 - 17-0441, 17-0443, 17-0445 & 17-0446, 17-0448 & 17-0449, 17-0451 - 17-0453, 17-0456, 18-0004	11/2017	\$150 civil fine	54-2013	Failure to maintain E&O

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17-0397, 17-0400, 17-0408, 17-0415, 17-0420, 17-0426 & 17-0427, 17-0430 & 17-0431, 17-0442, 17-0447	11/2017	\$300 civil fine	54-2013	Failure to maintain E&O
17-0429 & 17-0450	11/2017	\$600 civil fine	54-2013	Failure to maintain E&O
17-0436	11/2017	\$100 civil fine	54-2018(5)	Failure to complete required CE
17-0437	11/2017	\$250 civil fine	54-2018(5)	Failure to complete required CE
17-0435	11/2017	\$725 civil fine	54-2018(5)	Failure to complete required CE
17-0391	11/2017	\$800 civil fine	54-2018(5)	Failure to complete required CE
17-0454	11/2017	\$100 civil fine	54-2044(6) (b) & (e), (7) (a) & (c) and (8)	Check register; deposits, deposit slips & checks
17-0222	11/2017	Staff Letter of Reprimand	54-2053(4)	Misleading advertising
16-0445	11/2017	Formal reprimand; withheld revocation	54-2061(1)(a); 54-2063(3)	Conviction of a felony Failure to report the conviction
17-0028	11/2017	Formal Reprimand; cease & desist; \$1,000 civil fine; Disciplinary education course	54-2038(1)(a) 54-2051(4) (b), (c), & (d); and 54-2053(2) & (4)	Failure to supervise; failure to ensure all offers are in writing & contain all specific terms, provisions and statements; all advertising shall contain the broker's licensed business name; misleading advertising.
17-0044	11/2017	Formal Reprimand; \$500 civil fine; disciplinary education course	54-2051(4)(a), (c) 54-2060(3) 54-2085(3)	Failure to include all terms and conditions of the transaction as directed by the client; failure to include name of the responsible broker; failure to account for or remit property to the brokerage; incorrectly completed Representation Confirmation section for agency.
17-0043	11/2017	Formal Reprimand; \$500 civil fine; disciplinary education course	54-2050(1)(e) 54-2053(4) 54-60(12)	Failure to ensure all provisions of the seller representation agreement were complete & accurate; misleading advertising; reckless conduct
17-0079	11/2017	Formal Reprimand;	54-2054(3)	Finder's fees prohibited; misleading advertising

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		\$500 civil fine	54-2053(4)	
17-0119	11/2017	Formal Reprimand; Withheld revocation; \$5,000 withheld civil fine	54-2061(1)(a)	Conviction of a felony
17-0469	12/2017	\$580 civil fine	54-2002, 54-2018	Late license renewal
17-0468	12/2017	\$820 civil fine	54-2002, 54-2018	Late license renewal
17-0500	12/2017	\$50 civil fine	54-2018(5)	Failure to complete required CE
17-0457 & 17-0497	12/2017	\$250 civil fine	54-2018(5)	Failure to complete required CE
17-0499	12/2017	\$500 civil fine	54-2018(5)	Failure to complete required CE
17-0498 & 17-0505	12/2017	\$800 civil fine	54-2018(5)	Failure to complete required CE
17-0501 - 17-0503	12/2017	Staff Letter of Reprimand	54-2060(7)	Misstatement on license renewal
17-0191	12/2017	Staff Letter of Reprimand	54-2053(4)	Misleading advertising
17-0506	12/2017	\$75 civil fine	54-2060(3)	Failure to account
17-0470 - 17-0481, 17-48317-0488, 17-0490 - 17-0492, 17-0494 - 17-0496, 18-0002 & 18-0003, 18-0016	12/2017	\$150 civil fine	54-2013	Failure to maintain E&O
17-0458, 17-0482, 17-0489, 17-0493, 18-0001, 18-0005 & 18-0006	12/2017	\$300 civil fine	54-2013	Failure to maintain E&O
18-0007	12/2017	\$1,200 civil fine	54-2013	Failure to maintain E&O
15-0029	12/2017	Cease & Desist; \$3,500 civil fine; \$27,255.65 legal	54-2002 and 54-2004(35)(c)	Unlicensed practice CURRENTLY ON APPEAL IN DISTRICT COURT
17-0504	12/2017	Suspension	54-2062	Ordered by H & W (child support)

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18-0009 & 18-0010	01/2018	\$30 civil fine	54-2002, 54-2018	Late license renewal
18-0014, 18-0029 & 18-0030, 18-0043, 18-0074, 18-0085, 18-0088	01/2018	\$250 civil fine	54-2018(5)	Failure to complete required CE
18-0043, 18-0072 & 18-0073	01/2018	\$300 civil fine	54-2018(5)	Failure to complete required CE
18-0086	01/2018	\$500 civil fine	54-2018(5)	Failure to complete required CE
18-0031, 18-0048, 18-0080	01/2018	\$800 civil fine	54-2018(5)	Failure to complete required CE
18-0013, 18-0021, 18-0024 & 18-0025, 18-0027 & 18-0028, 18-0036, 18-0038, 18-0041 & 18-0042, 18-0045, 18-0049 & 18-0053, 18-0054 - 18-0060, 18-0062 & 18-0063, 18-0067 & 18-0068, 18-0070 & 18-0071, 18-0075, 18-0077 - 18-0079, 18-0083 & 18-0084	01/2018	\$150 civil fine	54-2013	Failure to maintain E&O
18-0015, 18-0018, 18-0061, 18-0069, 18-0081	01/2018	\$600 civil fine	54-2013	Failure to maintain E&O
18-0008	01/2018	\$1,200 civil fine	54-2013	Failure to maintain E&O
18-0432	01/2018	Staff Letter of Reprimand	54-2038(1)(a)	Failure to supervise

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18-0433 & 18-0434	01/2018	Staff Letter of Reprimand	54-2053(4)	Misleading advertising
16-0253	01/2018	Formal Reprimand; \$2,500 civil fine; disciplinary education course	54-2060(2) and 54-2060(12)	Engaging in a continued or flagrant course of misrepresentation; reckless conduct.
17-0089	01/2018	Formal Reprimand; broker's license revoked, but salesperson's license issued; prohibited from obtaining broker's license through special consideration; not allowed to open an Idaho real estate trust account	54-2062(1)(b) and (2)	Having a professional license revoked in another jurisdiction; failure to report the revocation.
17-0158	01/2018	Formal Reprimand;\$1,000 civil fine; disciplinary education course	54-2040(1) and 54-2053(4)	Failed to notify commission of relocation of brokerage; misleading advertising.
17-0109	01/2018	Formal Reprimand; must keep contact info current;\$3080 civil fine	54-2002 54-2018(9) 54-2058(3)	Unlicensed practice; failure to update personal contact information; failure to comply with the investigation
18-0044	01/2018	Suspension	54-2062	Ordered by H & W (child support)
18-0101	02/2018	\$25 civil fine	54-2018(5)	Failure to complete required CE
18-0098	02/2018	\$50 civil fine	54-2018(5)	Failure to complete required CE
18-0090	02/2018	\$100 civil fine	54-2018(5)	Failure to complete required CE
18-0099 & 18-0103	02/2018	\$250 civil fine	54-2018(5)	Failure to complete required CE
18-0089 & 18-0100	02/2018	\$550 civil fine	54-2018(5)	Failure to complete required CE
18-0051	02/2018	\$800 civil fine	54-2018(5)	Failure to complete required CE
18-0052 & 18-0053, 18-0053, 18-0095 - 18-0097	02/2018	\$150 civil fine	54-2013	Failure to maintain E&O

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18-0076	02/2018	\$600 civil fine	54-2013	Failure to maintain E&O
18-0102	02/2018	Staff letter of reprimand	54-2060(7)	Misstatement on license renewal
18-0157	02/2018	\$260 civil fine	54-2002, 54-2018	Late license renewal
18-0106, 18-0108 & 18-0109, 18-0114 - 18-0116, 18-0125 & 18-0126	03/2018	\$150 civil fine	54-2013	Failure to maintain E&O
18-0110, 18-0112 & 18-0113	03/2018	\$300 civil fine	54-2013	Failure to maintain E&O
18-0111	03/2018	\$1,200 civil fine	54-2013	Failure to maintain E&O
18-0123	03/2018	\$50 civil fine	54-2018(5)	Failure to complete required CE
18-0141 & 18-0178	03/2018	\$75 civil fine	54-2018(5)	Failure to complete required CE
18-0135	03/2018	\$100 civil fine	54-2018(5)	Failure to complete required CE
18-0119 - 18-0121 & 18-0124, 18-0129, 18-0131 - 18-0133, 18-0138, 18-0142, 18-0144, 18-0146	03/2018	\$250 civil fine	54-2018(5)	Failure to complete required CE
18-0130, 18-0134, 18-0145	03/2018	\$300 civil fine	54-2018(5)	Failure to complete required CE
18-0122 & 18-0137	03/2018	\$500 civil fine	54-2018(5)	Failure to complete required CE
18-0034	03/2018	Staff Letter of Reprimand	54-2053(2) &(4) and 54-2038	Brokerage name not included in advertising; misleading advertising; failure to supervise
18-0368	03/2018	Staff Letter of Reprimand	54-2054(4); 54-2086(1)(b) and 54-2087(4)	Misleading advertising; failure to perform ministerial acts on behalf of a customer; failure to promote the best interest of the client
17-0423	03/2018	Staff Letter of Reprimand	54-2053(4)	Misleading advertising

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18-0147	03/2018	\$75 civil fine	54-2060(3)	Failure to account
18-0136	03/2018	\$130 civil fine	54-2002, 54-2018	Late license renewal
18-0139	03/2018	\$210 civil fine	54-2002, 54-2018	Late license renewal
17-0195	03/2018	Formal Reprimand; \$2,000 civil fine; disciplinary education course	54-2060(12) 54-2087(2)	Gross negligence or reckless conduct in a regulated real estate transaction; failure to exercise reasonable skill & care.
17-0111	03/2018	Formal Reprimand; \$1,000 civil fine; disciplinary education course	54-2012(1)(i) 54-2053(2) and (4) 54-2060(12)	No licensee shall be licensed under or associated with more than one Idaho broker at a time; advertising must clearly contain broker's licensed business name; misleading advertising; gross negligence or reckless conduct in a regulated real estate transaction.
17-0074	03/2018	Formal Reprimand; \$2,000 civil fine; Disciplinary education course	54-2060(3) & (12) 54-2087(4) & (5)	Failure to account for property or money; gross negligence or reckless conduct; failure to promote the best interests of the client; failure to properly account for moneys or property
16-0176	03/2018	Formal Reprimand; \$1,000 civil fine; disciplinary education course	54-2086(1)(e)	Failure to disclose an adverse material fact to the customer
18-0149	04/2018	\$30 civil fine	54-2002, 54-2018	Late license renewal
18-0158	04/2018	\$150 civil fine	54-2013	Failure to maintain E&O
18-0148	04/2018	\$25 civil fine	54-2018(5)	Failure to complete required CE
18-0163	04/2018	\$75 civil fine	54-2018(5)	Failure to complete required CE
18-0151, 18-0162, 18-0164 & 18-0165	04/2018	\$100 civil fine	54-2018(5)	Failure to complete required CE
18-0150, 18-0152, 18-0166	04/2018	\$250 civil fine	54-2018(5)	Failure to complete required CE
18-0172	04/2018	\$300 civil fine	54-2018(5)	Failure to complete required CE
18-0160 & 18-0174	04/2018	\$500 civil fine	54-2018(5)	Failure to complete required CE
18-0159	04/2018	\$750 civil fine	54-2018(5)	Failure to complete required CE
18-0173	04/2018	\$800 civil fine	54-2018(5)	Failure to complete required CE

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18-0170	04/2018	\$75 civil fine	54-2060(3)	Failure to account
18-0169 & 18-0171	04/2018	\$50 civil fine	54-2050(1) & (2) and 54-2085(4) & (5)	Agency disclosure
18-0104	04/2017	Staff Letter of Reprimand	54-2053(4)	Misleading advertising
18-0105	04/2017	Staff Letter of Reprimand	54-2053(4)	Misleading advertising

D. Changes or Attempted Changes in Last 5 Years to Eliminate Barriers to Entry

Law and Rules Changes

Session	Legislation	Summary
2017	H0099aa	<p>Added a cooperative license agreement to increase license portability for out of state licensees</p> <p>The law was changed in 2017 to increase license portability for individuals entering into Idaho on a limited basis to broker commercial properties. With this new provision, an individual actively licensed in another jurisdiction is able to obtain a cooperative license and conduct real estate activities in Idaho under the supervision of an Idaho broker. Under the prior law, the only option for an individual coming from another state to legally broker a property in Idaho was to get a full license. The law change also created an avenue for Idaho licensees to legally work with these individuals. Prior to this change, an Idaho licensee's only options in this situation were to refuse the business opportunity or to violate the Idaho law. Business owners in Idaho were limited in selling opportunities and Idaho missed out on potential business making Idaho its home.</p>

Policy Changes

Year	Policy reference and link	Summary
2017	Education & Certification Policy (pages 10-11)	Increased broker prelicense education options to reduce licensing barriers for candidates To ease some perceived education burdens for new salesperson licensees, the commission has worked with online provider to offer Post license classes to improve course offerings via distance learning or online. Also in cooperation with industry and professional associations, the National Association of REALTORS® Masters of Real Estate courses have been added as additional elective options for broker prelicense courses.
2018	Candidate Handbook (page 7)	The Commission has recently worked with our licensing exam provider to offer examinations in three additional sites in Idaho and many military bases around the world, reducing the barrier to entry for out of state and military personnel and their families. 213 additional on base test centers were added to accommodate active military members and their spouses as of Spring 2018.

Other Policy or Procedure Changes

- Implemented Idaho Code for Military Service –
 For military service members and veterans, the Commission accept military training and experience toward qualification for licensure. The law states that professional and occupational licensing boards may accept military education, training, and experience toward meeting the qualifications for a license, certification or registration. Boards may also expedite applications, including military spouse applications. I.C. § 67-2620

Additionally, if a licensee already holds an active Idaho license and is on active duty in the United States Armed Forces, that license will remain active without renewing it for six (6) months following discharge from active duty. The license shall remain in good standing without the necessity of renewal and during said period the same shall not be cancelled, suspended or revoked. I.C. § 67-2602A

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- Along with the addition of the on base military sites, a new testing location and finger printing site was added in Twin Falls in 2018 to decrease the distance candidates from this area would need to travel to take the licensing exam or have their fingerprints taken. Prior to this change, candidates were required to travel to either Boise, Pocatello, or Coeur d'Alene for these services. Two new testing sites that administer just the licensing exam were added in Nampa and Nampa/Caldwell area in 2018 as approximately half of the new license candidates are currently coming from the Treasure Valley and surrounding area. This change will allow candidates in this area to schedule their licensing exam in a more timely manner and creates additional scheduling flexibility for the candidates.
- In 2016, a procedural change was made to allow candidates to submit their application with a copy of their official high school or college transcript. Prior to this change, candidates were required to submit an original transcript which was sometimes costly and time consuming for candidates. Often they had requested an official transcript for another purpose and had made a copy for their own records. This change helps expedite the licensing process and helps to ease the documentation burden for new licensing candidates.
- In 2018, a procedural change to the broker experience verification portion of the application form will be made to ease some of the burden placed on candidates and their brokers to provide proof of their active licensed salesperson experience. Prior to this change, candidates were required to have each broker with whom they were associated during the past 5 years complete the experience verification form to document their experience during that time. The change allows the broker candidate have only as many brokers as necessary fill out the verification form to document a minimum of 15 completed transactions or closed listings that result in a minimum of \$2 million in total volume rather than requiring them to document all of their real estate activity over the past 5 years.

E. Assessment of Public Interest

The licensing requirements are in the public interest as real estate licensees provide services that directly impact the largest purchase most consumers will ever make. The laws and rules establish minimum competency standards of education, examination, and experience for obtaining and retaining a license. The public, executive director and other licensees file complaints that are investigated and addressed with disciplinary actions when necessary. The licensees regulated by the statutes and rules are on record as supporting the current licensing framework as effective for the intended mission and do not want changes that lower the standards for competency (instead they are consistently asking for higher standards in their profession). Approximately 91% of active Idaho licensees belong to the Idaho Association of REALTORS®, a prominent trade association for real estate licensees. Although the interests of the agency and the association may sometimes differ, the Commission works with the Association to develop consensus on issues affecting licensees.

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Licensing of this profession has occurred for nearly 100 years. There is a longstanding public recognition for the need to ensure competency and accountability for those providing services the public relies on for safe real estate transactions, along with ethical business practices. Licensees are expected to continuously update their skills and stay current with the state of the practice as technology, standards and laws change each year. This is in the public interest as it relates to competent practice.

F. Recommendations for Improvement, Modification, or Elimination of Requirements

The Commission actively evaluates the utility of existing laws and rules each year. As such, updates are proposed to the legislature on a regular basis to ensure the legal framework for licensure is current and relevant. Extensive changes to the existing laws are rules therefore are not proposed at this time.

In response to the Licensing Freedom Act, the Commission conducted a meeting specifically to review the requirements that are prerequisites for the issuance of each type of license along with the corresponding renewal requirements.

1. Suggestions on requirements for initial licensure that can be eliminated
 - a. I.C. 54-2036 requires that each prelicense course must contain at least twenty (20) classroom hours. We are considering proposing legislation to reduce or remove the minimum number of hours each course must contain to increase flexibility which will make it more convenient for individuals to get licensed, while maintaining the total number of required hours to ensure competency for the public.
2. Suggestions on requirements for renewal that can be eliminated
 - a. I.C. 54-2036 currently requires that each continuing education course must contain at least two (2) classroom hours. We are considering legislation to reduce the number of hours each course must contain to one (1) hour to make it more convenient for individuals to complete the requirements for renewal, while maintaining the total number of required hours to ensure competency for the public.
3. Other Changes considered
 - a. Remove requirement for the designated broker to physically appear at the brokerage. (I.C. 54-2039(1) (2)) These laws were written at a time prior to electronic communication, banking, document storage, email and cellular access. The requirement for the broker to physically be in the office may be unnecessary and an obstruction today.

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- b. Remove requirement for the designated broker to clearly mark and date any rejected or withdrawn offer. (I.C. 54-2048(1) (2)) These laws do not protect the general public or the industry.
 - c. Remove requirement for the brokerage to have a written agency policy. (I.C. 54-2090) This law does not protect the general public or industry and should be a business decision of the brokerage.
 - d. Requirement for all sales associates to provide copies of signed real estate transaction documents to their broker by end of next business day. This would add protection to real estate consumers by increasing broker supervision of licensees. (2018 proposed legislation H456-withdrawn)
 - e. The legislature may want to consider adding military spouses to the provisions of 67-2602A, Idaho Code, to exempt them from the payment of renewal fees while their spouse is in active duty.
4. Two other areas of concern that are currently not regulated but might be considered to protect the public:

Unregulated Property Management

The Commission regularly receives many phone calls and complaints relating to property management, which is presently unregulated in the State of Idaho. Many property owners report difficulty in obtaining the rent monies to which they are entitled. The Commission has no jurisdiction or authority to pursue these complaints, even if the property manager is also a real estate licensee. Nearly three years ago, the Commission assembled a task force comprised of licensees and property manager stakeholders to discuss whether or how a licensing requirement should be implemented. The task force has come to consensus on some issues, but more work remains, and the task force has been on hiatus due to Commission staff workloads. We would suggest regulation simply to oversee the trust accounts of these property managers.

Unregulated Teams

Teams within brokerages are becoming common in the industry nationwide. In Idaho, teams are unregistered. Registration with the Commission could potentially be beneficial to consumers as they would be able to attain information regarding the teams to complete their own due diligence.

Summary of Objectives

After extensive review and examination as required by the Licensing Freedom Act, the Idaho Real Estate Commission believes the current law, rules, and procedures governing licensure for real estate agents are in compliance with the stated intention of the executive order. There were no barriers to entry identified. However, the Commission has identified some updates that should be made. As outlined in the details of this report, several changes to rules and procedures have been implemented in recent years to reduce barriers to entry and renewal. The Idaho Real Estate Commission respectfully submits the above report.