



State of Idaho
Division of Occupational and Professional Licenses
Idaho Real Estate Commission

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Draft Minutes of 01/14/2025

Commission	Elizabeth Hume, Chair	Division	MiChell Bird, Executive Officer
Members Present:	Michael Johnston, Vice-Chair	Staff Present:	Gus Tate, Legal Counsel
	Jess Dahlinger		Melissa Ferguson, Ed. Prg. Sup.
	Marin Espil		Alice Young, Training Specialist
	Jill Stone		Ryan Alstott, Licensing Supervisor
			Jesama Rosensweig, Licensing Sup.
			Don Morse, Investigations Sup.
			Craig Boyak, Investigator
			Justin Montoya, Investigator
			Dana Ellis, Investigator
			Jeana Graff, Human Resources Spc.
			Erin Einarsson, Board Support Spc.

The meeting was called to order at 9:03 AM MT by Chair Elizabeth Hume.

APPROVAL OF 10/01/2024 MINUTES

A motion was made to approve the 10/01/2024 meeting minutes. The motion carried unanimously.

DIVISION BUSINESS

Respectful Workplace Training: Human Resources Specialist Jeana Graff presented the Respectful Workplace Training PowerPoint.

Financial Update: The second quarter financial report was not available for today's meeting. Executive Officer (EO) MiChell Bird will present the financial report at the next meeting.

Strategic Plan: EO Bird presented the DOPL Strategic Plan 2025-2028.

COMMISSION BUSINESS

Idaho REALTORS® Update: Idaho Realtors (IR) Chief Executive Officer (CEO) David Hensley presented the IR Report to the Commission. The IR Forms Committee has updated their forms in compliance with the National Association of Realtors (NAR) settlement, and CEO Hensley anticipates the new forms will be available on the IR website by the end of January 2025. Instructional videos for the new forms will be shared first with Brokers and then IR Members to coincide with the release of the new forms. CEO Hensley reviewed the changes with the Commission and thanked the Forms Committee and Chair Krista Deacon for their hard work.

With regards to membership numbers, CEO Hensley shared that as of January 1, 2025, the total realtor membership was 12,533. This is a decrease from last year's total of 12,794 members. Twelve out of sixteen associations experienced a decrease in membership. CEO Hensley noted that IR expects to see a rebound in numbers in February and March and that the membership totals are still exceeding the projections for this year.

Chair Hume asked if IR is putting forward any legislation this year. CEO Hensley shared two pieces of legislation they plan to present which include revisions to short-term rental law and homeowner exemptions. IR will also be working with Governor Little on the Workforce Housing Fund and bills for property tax relief.

License Base Report: Licensing Supervisor Ryan Alstott presented the License Base Report. 2,100 licenses were issued between January 1, 2024 and January 1, 2025. In 2024, 79% of the licenses were active brokers and salespersons. In 2025, the total number of licensees increased but the total number of active licenses decreased to 69.7%. Currently the total number of licenses is 18,814 with 13,118 active licenses. As of January 1, 2025, the total number of brokerages is 1,322. That is a reduction of 42 brokerages as compared to January 2024.

Education Report: Education Program Supervisor (EPS) Melissa Ferguson provided the Education Report including the following topics:

- **OASIS Update:** The Education Team is continuing to work with the OASIS programming team to address the changes and corrections that need to be made. EPS Ferguson requested that the Commissioners continue to contact DOPL with any questions or issues they encounter while using the OASIS Licensing System.
- **ARELLO Update:** EO Bird and EPS Ferguson attended the ARELLO Leadership Symposium. Topics included Problems and Solutions for Regulators, Leadership Training and Strategic Planning. ARELLO is developing an initiative to achieve participation from all 50 states. Additionally, Pearson Vue has made some changes to the national exam outline. Those changes will go into effect on April 1, 2025, and DOPL staff will watch for changes in test scores. ARELLO is considering creating and owning some of the content on the national exam. Pearson Vue was reaccredited with ARELLO and will be certified for another three years.
- **Licensing Exams:** With the upcoming expiration of DOPL's contract with Pearson Vue, EPS Ferguson is working with the Division of Purchasing to prepare a Request for Proposal (RFP) for exam providers and plans to complete that process by Fall 2025.
- **Commission Developed Courses:** Training Specialist (TS) Alice Young is continuing to work on Core 2024 online courses. Two Core 2024 online courses have been approved so far. Two additional schools have submitted their Core 2024 courses for review. The Education Team is working on the RFP to develop the online Broker Law course, Commission Core course, as well as the Post Licenses courses.
- **DOPL Discipline Course** is on hold until the updates to OASIS have been finalized. For those who need to take the course but were not able to do so before the course was put on hold, the Education Team has identified a list of other classes that licensees can take to fulfill that requirement. The Education Team will review that list with EO Bird for approval. Once the Investigations Team has selected a substitute course or courses and the system has been set up, the Investigations Team will work with the licensees who still need to take the discipline class to come into compliance. Once the updates to OASIS have been published, the Education Team will update the Discipline Course and make it available again.

Enforcement Report: Investigations Supervisor (IS) Don Morse presented the Enforcement Report noting that the Investigations Team receives complaints on a continuous basis, with the highest number of complaints due to adverse material facts and advertising violations. For the first advertising violation, the Investigation Team provides education to the offender. For subsequent violations, an investigation will be opened. Commissioner Johnston asked if there were any violations that were tied to a specific region of Idaho and IS Morse replied that the complaints received are from all areas of the State.

Proposed Audit Schedule: Due to the limited number of investigators at DOPL, the Real Estate Inspector position has been expanded to include Continuing Education and Errors and Omissions Insurance violations. However, with this increased workload, the current audit schedule will need to be revised. Currently, all brokerages are audited on a two-year cycle. Reviewing a six-month period of audits, 21% of the brokerages audited had zero to very limited violations. Only 27% of those brokerages had trust accounts. EO Bird proposed the following: Brokerages with trust accounts will be audited every two years. Brokerages with violations will be audited within two years of the violation and the audit cycle could be extended depending on the violation. Brokerages would be divided into categories zero through seven based on the number of transactions completed per year. Levels zero through two would have an audit cycle of every four years. Levels three through seven will be audited every three years. EO Bird suggested that the Real Estate Inspector work with this proposed audit schedule for a few months and then review the results with the Commission and the Commissioners agreed. Commissioner Johnston suggested that a change in Designated Broker at a brokerage should restart the audit schedule and EO Bird agreed.

Commission Core 2025: TS Young presented the Commission Core 2025 update.

- The event will be held at the Galaxy Event Center Conference Room at the Wahooz Family Fun Center in Boise, ID, from March 12 – 13, 2025.
- On March 12, Attorney Danielle Strollo will present case law and Chair Hume will review Guideline #4 and the Agency Brochure. Additionally, there will be a review of “Who’s Who” of Idaho Real Estate including DOPL, IREC, Idaho Realtors, Idaho Real Estate Associations, NAR and MLS.
- On March 13, Corean Hamlin will be leading the Instructor Development Workshop (IDW). After IDW, there will be a live provider training session.

Agency Disclosure Brochure and Guideline #4: The Commission discussed potential changes to the Agency Disclosure Brochure. Suggestions included simplifying the document for consumers, moving additional agency topics such as audio/video surveillance and inspections to separate documents and adding a QR Code that links to additional information. EO Bird suggested that “Compensation” be moved to a separate section on the brochure and to include the language, “compensation is not set by law and is fully negotiable”. EO Bird will create a draft document for the Commission to review at the next meeting.

Reviewing Guideline #4, the following changes were discussed:

- ~~As a matter of good practice, however, many~~ Your brokerages maintain may have an office policy requiring licensees to use the Blue Brochure’s receipt.
- Using the receipt provided with the B brochure, provides the brokerage with ~~the best possible~~ documentation of when the licensee gave the Brochure to the customer, and thereby helps protect the brokerage against any future claim by a disgruntled consumer that the licensee failed to timely give him the Brochure.
- Where such refusal occurs, **the Commission advises that licensees document their attempts to give the B brochure and to obtain a receipt.**

- ~~In addition, each party confirms that the brokerage's agency office policy was made available for inspection and review.~~
- EACH PARTY UNDERSTANDS THAT ~~HE~~ THEY ARE A "CUSTOMER" AND ~~IS~~ ARE NOT REPRESENTED BY A BROKERAGE UNLESS THERE IS A SIGNED WRITTEN AGREEMENT FOR AGENCY REPRESENTATION.
- Changing all references to "The Blue Brochure" to "The Agency Disclosure Brochure".

EO Bird will present a draft with these changes for the Commission to review at the next meeting.

MOTION TO ENTER EXECUTIVE SESSION: A motion was made for the Commission to enter Executive Session under Idaho Code § 74-206 (1)(d) to consider records that are exempt from disclosure under the Public Records Act, Idaho Code § 74-106(9). The purpose of the Executive Session will be to discuss documents relating to the fitness of an applicant to be granted a license or registration. Roll call: Chair Hume, aye; Vice-Chair Johnston, aye; Commissioner Dahlinger, aye; Commissioner Espil, aye; and Commissioner Stone, aye. The motion carried unanimously.

Motion to Exit Executive Session: A motion was made to exit Executive Session. The motion carried unanimously.

MOTION(S) RESULTING FROM THE EXECUTIVE SESSION

Motion(s) re: Application(s): A motion was made to grant exemptions to cases #25-01, #25-02, #25-03 and #25.04. The motion carried unanimously.

Motion(s) re: Discipline: A motion was made to agree with the terms discussed in executive session on the following Consent Orders: Case # I-REC-2023-659, I-REC-2024-126 and I-REC-2024-213 and authorize the Chair to sign on behalf of the Commission. The motion carried unanimously.

Public Comment: Chair Hume announced that three hours of CE credit would be awarded to those who signed in and out and attended the meeting in full.

ADJOURNMENT

There being no further business, the Chair adjourned the meeting at 12:03 PM MT.