

## NON SUFFICIENT FUNDS CHECK POLICY

If a check made payable to IREC is returned as dishonored or non-sufficient funds (NSF), the following policy will be followed:

1. The supervisor of the department for which the check was written will send a Notice of Dishonor letter to the check signer. The notice letter will be as approved by commission counsel and shall include the language of [Idaho Code section 28-22-106](#) pertaining to bad checks and shall also include language regarding consequences, if any, to the license held by the signer.
2. The notice letter will be sent out by regular mail to the address printed on the check, with an affidavit of mailing in the form prescribed in [Idaho Code section 28-22-106](#).
3. If the check was written by a licensee, a copy of the notice of dishonor letter will also be sent by regular mail to the licensee's designated broker, if any. If the address printed on the check is different than the home or business address that IREC has on file for the licensee, a copy of the notice letter will also be sent by regular mail to any additional addresses on file for the licensee.
4. The IREC fee for writing a bad check is \$20.00.
5. The check signer shall have 15 days from the date of the notice of dishonor letter to deliver cash, cashier's check, or money order to IREC to cover the amount of the dishonored check, plus the \$20.00 fee.
6. If good funds are not received in full by the expiration of the 15-day notice period, IREC shall immediately take the following actions:
  - a. Pursuant to [Idaho Code section 54-2019](#):
    - i. If the dishonored check was written as payment for a fee required to obtain or renew a license, the license shall be expired.

- ii. If the dishonored check was written as payment for the required fee to activate a license, the license shall be made inactive.

In either of the above situations, a note shall be placed in the licensee's record that the license may not be issued, renewed, or activated until the dishonored check and any related fees have been paid in full.

- b. The dishonored check and \$20.00 fee will be assigned for collection proceedings in accordance with [Idaho Code section 67-2358](#) and the Commission's Collections Policy.

Date

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Reference: NOTICE OF DISHONOR OF CHECK

Dear (Name of Debtor):

A check drawn by you and made payable by you to Idaho Real Estate Commission in the amount of \$\_\_\_\_\_ has not been accepted for payment by (Name of Bank), which is the drawee bank designated on your check. This check is dated \_\_\_\_\_, and it is numbered, No \_\_\_\_\_.

You are CAUTIONED that unless you pay the amount of this check within fifteen (15) days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

1. Costs of collecting the amount of the check, including an attorney fee which will be set by the court; and
2. Interest on the amount of the check which shall accrue at the rate of twelve percent (12%) per annum from the date of dishonor.

You are advised to make your payment to Idaho Real Estate Commission at the following address:

Mail: PO Box 83720  
Boise ID 83720-0077

Office location: 633 N 4<sup>th</sup> St  
Boise ID 83702

Checks made payable to the Idaho Real Estate Commission and returned as unpayable result in an additional \$20.00 penalty. **Personal checks will not be accepted.**

If we have not received your payment in the amount of \$\_\_\_\_\_ by (Date), the dishonored check and \$20 fee will be assigned for collection proceedings in

Attachment A

