

**BEFORE THE IOWA REAL ESTATE COMMISSION
1920 S.E. HULSIZER
ANKENY, IOWA**

IN RE:)	
)	CASE NUMBER: 06-174
Dennis L. Nelson)	
Broker (B05207))	
)	STIPULATION AND
RESPONDENT)	VOLUNTARY SURRENDER
)	OF BROKER LICENSE
Cardinal City Realty, Inc.)	
112 East 21st Street)	
South Sioux City, Nebraska 68776)	

The Iowa Real Estate Commission (Commission) and **Dennis L. Nelson** (Respondent) enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order in a Disciplinary Case (Order) pursuant to Iowa Code Sections 17A.10(1) and 272C.3(4) (2005).

1. The Commission issued the Respondent a reciprocal real estate broker license number B05207 on January 1, 1979. Respondent's license is current and in full force and effect until December 31, 2006. At all times relevant to this matter, the Respondent was a licensed sole proprietor in South Sioux City, Nebraska, and licensed by reciprocity in the state of Iowa.

2. The Commission has jurisdiction of this disciplinary matter pursuant to Iowa Code chapters 17A, 272C, and 543B (2005). Licenses issued by the Commission are subject to the laws of the State of Iowa and to the administrative rules of the Commission.

STATEMENT OF CHARGES

COUNT I

3. The Respondent is charged with failing to diligently exercise reasonable skill and care in supervising a salesperson employed by the Respondent by allowing the unlicensed practice of real in the State of Iowa in violation of Iowa Code sections 543B.1, 543B.29(3), 543B.62(3)(b) (2005), and 193 Iowa Administrative Code sections 7.11, 18.2(6), and 18.14(5)(m).

CIRCUMSTANCES

4. The Respondent was the broker to whom salesperson Annette M. Hirsch (S39848) was affiliated at all times material to this matter.

5. Between January 1, 2005 and September, 2006 Annette Hirsch conducted activities requiring a real estate license in the State of Iowa while her Iowa real estate salesperson license was expired.

6. The Respondent failed to provide adequate supervision by allowing Annette Hirsch to continue the practice of real estate in the State of Iowa on an expired license.

SETTLEMENT AGREEMENT

7. Respondent acknowledges that he has a right to receive notice of the above-stated charges and to request a hearing before the Commission on the merits of the charges. By freely and voluntarily entering into this Order, the Respondent waives his right to notice and a hearing and all attendant rights, including the right to seek judicial review. This Order constitutes discipline against the Respondent, and is the final agency order in this contested case pursuant to Iowa Code section 17A.10 and 193 Iowa Administrative Code 7.4.

8. Respondent agrees that the State's attorney and/or Commission staff may present this Order to the Commission and may have *ex parte* communications with the Commission while presenting it. Respondent waives any right of notice of this meeting or any right that the Respondent might have to participate in the discussion of this Order among the Commission, the Commission staff and the State's attorney.

9. This Order shall be part of the permanent record of Respondent and shall be considered by the Commission in determining the nature and severity of any future disciplinary action to be imposed in the event of any future violations of the laws and rules governing the practice of real estate by the Respondent.

10. Failure to comply with the terms of this Order shall be prima facie evidence of a violation of Iowa Code sections 543B.29(3), 543B.34(2) and 272C.3(2)(a) (2005) and shall be grounds for further disciplinary action. However, no action may be taken against the Respondent for violations of this Order without a hearing, or waiver of hearing.

11. This Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members.

- (a) In the event that this Order is rejected by the Commission it shall be of no force or effect to either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- (b) If the Commission approves this Order, it shall fully dispose of all issues in this case.

12. Upon acceptance by both the Commission and Respondent, this Combined Statement of Charges, Informal Settlement and Consent Order shall be a public record available for inspection and copying in its entirety in accordance with the requirements of Iowa Code chapter 22 (2005).

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CONSENT ORDER

13. **IT IS THEREFORE ORDERED:** Respondent's reciprocal Iowa Real Estate Broker License B05207 is **SURRENDERED** for an indefinite time and not less than two years.

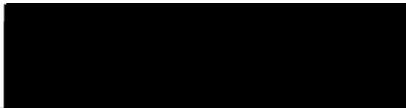
14. **RESPONDENT ACKNOWLEDGES** that the effective date of surrender shall be the date this Stipulation is accepted by the Commission. The Respondent also acknowledges that Broker license number B05207, and the individual license of any salesperson or broker associate assigned to the respondent must be returned to the Iowa Real Estate Commission upon notification that this Stipulation has been accepted by the Commission.

15. **RESPONDENT FURTHER ACKNOWLEDGES** that Iowa law allows the Respondent to reapply for an Iowa Real Estate License if the surrender or revocation took place two (2) years (or longer) prior to reapplication, **AND** that the Respondent must qualify as a salesperson starting over as if never licensed, **AND** that reapplication may or may not be granted by the Iowa Real Estate Commission and that the violation of law herein may provide a basis for denial.

WHEREFORE, the terms of this Stipulation and Voluntary Surrender of License is agreed to by the Iowa Real Estate Commission and the Respondent.

FOR THE RESPONDENT:

Voluntarily agreed to and accepted by **Dennis L. Nelson** on this 20 day of Jan, 2007.

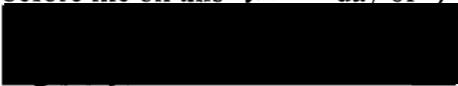


DENNIS L. NELSON, Respondent

State of Nebraska)

County of Dakota)

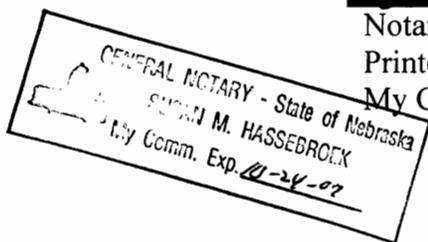
Signed and sworn to before me on this 22nd day of January, 2007, by



Notary Public, State of Iowa

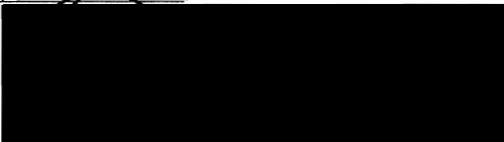
Printed Name: Susan M. Hassebroek

My Commission Expires: 10-24-07



FOR THE COMMISSION:

Voluntarily agreed to and accepted by the **IOWA REAL ESTATE COMMISSION** on
this 15TH day of FEBRUARY, 2007.



JAMES E. HUGHES, Chair
Iowa Real Estate Commission