BEFORE THE IOWA REAL ESTATE COMMISSION 1920 SE HULSIZER ANKENY, IOWA

IN RE:)
IN INE.) CASE NUMBER 05-111
Kirk Brownlee Stauss)
Broker Associate (B38506)) STIPULATION
) AND
DOWDEN-HINN REALTY)) ORDER
2916 Hwy 71)
Spirit Lake, Iowa 51360)
)

On this 2^{MAR} day of MARCH, 2006, the Iowa Real Estate Commission and Kirk Brownlee Stauss, each hereby agree with the other and stipulate as follows:

1. The allegations specified in the Statement of Charges in this case shall be resolved without proceeding to hearing, as the parties have agreed to the following Stipulation and Consent Order.

2. The Respondent has a right to a hearing on the charges, but waives the right to hearing and all attendant rights, including the right to appeal, by freely and voluntarily agreeing to this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

3. The Respondent was issued a real estate brokers associate license on January 12, 2000, which is in full force and effect through December 31, 2005.

4. The Iowa Real Estate Commission has jurisdiction over the parties and subject matter jurisdiction over each allegation in the Statement of Charges.

5. A Statement of Charges will be filed against Respondent together with this voluntary Stipulation and Consent Order.

6. Respondent admits each and every allegation in the Statement of Charges.

7. If this Stipulation and Consent Order is approved by the Commission it will be filed, along with the Statement of Charges, and upon filing both documents will become public records.

8. This Stipulation and Consent Order shall be made a part of the record of the Respondent and may be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed on the Respondent for any future violations of the laws and rules governing the practice of real estate.

9. Failure to comply with the terms of this Stipulation and Consent 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).

10. This Stipulation and Consent Order shall be presented to the Commission in closed session by the prosecuting attorney and/or Commission staff. Respondent waives any right of notice of this meeting or any right which the Respondent might have to participate in the discussion of this Stipulation and Consent Order among the Commission, the Commission staff and the prosecuting attorney.

11. This Stipulation and Consent Order is not binding on the Iowa Real Estate Commission until it has been formally approved by a majority of the Commission members. In the event that this Stipulation and Consent Order is rejected by the Commission it shall be of no force or effect to either party.

THEREFORE IT IS ORDERED that the Respondent is Reprimanded.

IT IS FURTHER ORDERED that the Respondent shall pay a civil penalty in the amount of \$500 within thirty (30) days of acceptance of this Stipulation and Consent Order by the Commission and come under a cover letter addressed to the Commission's Executive Officer and refer to case 05-111.

IT IS FURTHER ORDERED AND AGREED that at all future times Respondent shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

Page 3
05-111
Stauss

FOR THE RESPONDENT:

	ntarily entered into by Kirk Brownlee Stauss on
this 24 day of JANUANY	, 2006.
	· · · · · · · · · · · · · · · · · · ·
	Kirk Brownlee Stauss, Respondent
State of <u>lowa</u>)	
County of Dickinson	
Signed and sworn to before me on this _	24th day of January , 2006, by
Commission Number 170026	Notary Public, State of Iowa
* STATES MY COMMISSION EXPIRES	Printed Name: Debra L. Goetzinger
70% JUNE 22, 20 08	My Commission Expires: <u>6-22-2008</u>

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 2^{MD} day of MARC44, 2006.



James E. Hughes, Chair Iowa Real Estate Commission

BEFORE THE IOWA REAL ESTATE COMMISSION 1918 SE HULSIZER ANKENY, IOWA

IN RE:)) CASE NUMBER: 05-111
Kirk Brownlee Stauss) STATEMENT
Broker Associate (B38506)) OF
) CHARGES
DOWDEN-HINN REALTY)
2916 HWY 71	
SPIRIT LAKE, IA 51360)
	`

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2005).

Licenses issued by the Commission are subject to the laws of the state of Iowa and to the administrative rules of the Commission.

Kirk Brownlee Stauss was at all material times, during the following events, a licensed Broker/Associate with Dowden-Hinn Realty, a licensed real estate firm (F02033), in Spirit Lake, Iowa. His license, number B38506, in full force and effect through 12-31-2005.

COUNT I

The Respondent engaged in an unethical practice which is harmful or detrimental to the public; and knowingly made a misleading, deceptive, or untrue representation in the practice of real estate by advertising in such a manner as to mislead the general public in violation of Iowa Code sections 543B.29(3) and (7), 543B.34(1) and (3) (2005), and 193E IAC 10.1(2) and 193E IAC 18.14(5)(s).

COUNT II

The Respondent engaged in an unethical practice which is harmful or detrimental to the public; and knowingly made a misleading, deceptive representation in the practice of real estate by allowing the advertising a home for sale using signage that did not include agency designation in violation of Iowa Code sections 543B.29(3), 543B.34(1) and (3) (2005) and 193E IAC 10.1(2) and 193E IAC 18.14(5)(h).

Page 2

05-111 Stauss

CIRCUMSTANCES OF THE COMPLAINT

COUNT I

- 1. Prior to August 23, 2005, Respondent distributed literature in the Iowa great lakes area that included the total number of residential properties sold in the great lakes area since the year 2002.
- 2. Said advertising was designed in such a manner that it appears that the Respondent was responsible for the sale of all of the residential properties which is misleading to the public.

COUNT II

- 1. The Respondent listed a property located at 2722 Okoboji Blvd, West Okoboji, Iowa, on June 16, 2005.
- 2. During the course of this listing, a sign was placed on the property indicating the property was for sale, however, the sign included only the office phone number for the Respondent, and no agency designation, which is misleading to the public.

FINDING OF PROBABLE CAUSE

On December 14, 2005, the Iowa Real Estate Commission found probable cause to file this Statement of Charges and to order that a hearing be set in this case.

Executed this $\frac{2M}{2}$ day of $\frac{MHC C H}{2}$, 2006. Roger L Hansen, Executive Officer Iowa Real Estate Commission