

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

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IN RE:	)	
	)	
	)	<b>CASE NUMBER: 03-058</b>
<b>DAVID M. BLESZ</b>	)	
<b>Salesperson (S23965)</b>	)	<b>STATEMENT OF</b>
	)	<b>CHARGES</b>
<b>REMAX A-1 BEST REALTORS</b>	)	
<b>2940 104<sup>TH</sup> STREET</b>	)	
<b>DES MOINES, IA 50322</b>	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 543B, and 272C (2003).

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

**DAVID M. BLESZ** was at all material times, during the following events, a licensed salesperson with RE/MAX A-1 Best Realtors, a licensed real estate firm (F04094) in Des Moines, Iowa. His license, number S23965 expired 12-31-2002, was reissued May 15, 2003, and is in full force and effect through 12-31-2005.

COUNT I

The Respondent is charged with engaging in practice harmful or detrimental to the public by conducting real estate activities that require a license with an expired license, in violation of Iowa Code sections 543B.1, 543B.28, 543B.29(3), and 543B.34(1) (2003), and Iowa Administrative Code Chapter 193E, section 18.14(5)(s).


### CIRCUMSTANCES OF THE COMPLAINT

1. In December 2002, the Respondent was aware that the license was to be renewed. Due to the time frame, the Respondent planned to take the salesperson examination to substitute for the continuing education.
2. The Respondent failed to renew the license and the license expired on December 31, 2002.
3. Upon becoming aware of the oversight in May 2003, the Respondent arranged to take the salesperson examination in lieu of continuing education and accumulated reinstatement fees.
4. The completed application and fee were filed with the commission and the license was reinstated effective May 15, 2003.
5. Between December 31, 2002 and May 15, 2003, the Respondent continued to practice real estate and engaged in activities that require a valid active license.

### FINDING OF PROBABLE CAUSE

On November 20, 2003 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 6<sup>th</sup> day of MAY, 2004.

  
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Roger L. Hansen, Executive Officer  
Iowa Real Estate Commission

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

**IN RE:**

**DAVID M. BLESZ**  
Salesperson (S23965)

**REMAX A-1 BEST REALTORS**  
2940 104<sup>TH</sup> STREET  
DES MOINES, IA 50322

**CASE NUMBER: 03-058**

**STIPULATION  
AND  
ORDER**

On this 6<sup>th</sup> day of MAY, 2004, the Iowa Real Estate Commission and **DAVID M. BLESZ**, 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 salesperson license on April 26, 1985, expired 12-31-2002, was reissued May 15, 2003, and 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 the allegations in the charges, but agrees to resolve the charges by entering into this Consent Order.

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) (2001).

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 personally attend the eight (8) hour Commission approved continuing education course "Law Update." These hours shall be in addition to any real estate continuing education required by law for license renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within six (6) months of the signing of this agreement by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Officer and must refer to case 03-058.

IT IS FURTHER ORDERED that the Respondent shall personally attend the twelve (12) hour Commission approved continuing education course "Developing Professionalism and Ethical Practices." These hours shall be in addition to any real estate continuing education required by law for license renewal, except four (4) hours can be used to satisfy the mandatory ethics requirement for renewal. The original certificate of attendance must be submitted to the Iowa Real Estate Commission within six (6) months of the signing of this agreement by the Commission. The certificate of attendance must come under a cover letter addressed to the Commission's Executive Officer and must refer to case 03-058.

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.

**FOR THE RESPONDENT:**

This Stipulation and Consent Order is voluntarily entered into by **DAVID M. BLESZ** on this 6th day of April, 2004.

[Redacted Signature]

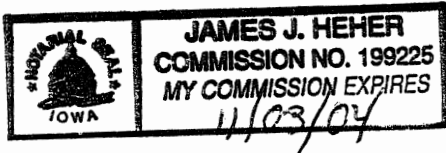
**DAVID M. BLESZ**, Respondent

State of Iowa

County of Polk

Signed and sworn to before me on this 6th day of April, 2004, by

[Redacted Signature]



Notary Public, State of Iowa  
Printed Name: JAMES J. HEHER  
My Commission Expires: 11/03/04

**FOR THE COMMISSION:**

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 6th day of May, 2004.

[Redacted Signature]

**James E. Hughes**, Chair  
Iowa Real Estate Commission