

BEFORE THE IOWA REAL ESTATE COMMISSION  
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ANKENY, IOWA

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IN RE:	)	CASE NUMBER: 91-021
HELEN M. MORRIS (S25669)	)	
Salesperson	)	STATEMENT OF CHARGES
115 E. Main	)	
Manchester, Iowa 52057-1736	)	

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The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code Chapters 17A, 117, and 258A (1991).

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

Helen M. Morris is, and was at all times during the following events, a licensed real estate salesperson. Her license number is S25669. Helen M. Morris is currently assigned to George Knipp, Sole-Proprietor Broker, Manchester, Iowa.

COUNT I

The Respondent, Helen Morris, is charged with failing to obtain a written listing contract with Arlene Dighton at the time of entering into the listing agreement with Arlene Dighton in violation of Iowa Code sections 117.29(2) and (3) and 117.34(1) and (8) (1989) and Iowa Administrative Code Chapter 193E, section 1.23.

COUNT II

The Respondent, Helen Morris, is charged with failing to disclose to Arlene Dighton in writing, that the buyer was the son of Helen Morris in violation of Iowa Code sections 117.29(2) and (3) and 117.34(8).

COUNT III

The Respondent, Helen Morris, is charged with failing to obtain a written agency disclosure which clearly and affirmatively indicated who she represented in the transaction in violation of Iowa Code sections 117.29(2) and (3) and 117.34(8) (1989) and Iowa Administrative Code chapter 193E section 1.37.

91-021

COUNT IV

The Respondent, Helen Morris, is charged with acting for more than one party in a transaction without the knowledge of all parties for whom she was acting in violation of Iowa Code sections 117.34(4) (1989) and Iowa Administrative Code chapter 193E section 1.37

COUNT V

The Respondent, Helen Morris, is charged with knowingly failing to discharge her fiduciary duties to her principal, Arlene Dighton, for the purpose of assisting the Respondent's son, Larry Morris, in purchasing the property of Arlene Dighton at less than its true value in violation of Iowa Code sections 117.29(3), 117.34(1)(3) (1989).

CIRCUMSTANCES OF COMPLAINT


1. On or about February 1, 1990 Arlene Dighton contacted the Respondent, Helen Morris, concerning the potential sale of her home located at 420 South Madison, Manchester, Iowa.
2. On February 1, 1990 Larry and Mary Morris submitted an offer to Arlene Dighton for the purchase of her property which was prepared by Helen Morris. The offered price was \$11,000.
3. The offer indicated that it would expire on February 2, 1990 at "12:00 a.m."
4. The offer was accepted by Arlene Dighton on February 1, 1990.
5. The buyers submitted a check for \$100 earnest money to Helen Morris.
6. Helen Morris remitted the earnest money to her broker for deposit in the George Knipp Real Estate client trust account. The deposit was made on February 1, 1990.
7. On February 1, 1990 Larry and Mary Morris, Helen Morris and Arlene Dighton each signed an agency disclosure statement which provided that "generally, the Listing and Selling (Cooperating) Brokers are agents of the Seller. Their fiduciary duties of loyalty and faithfulness are owed to their client the Seller.

8. Helen Morris did not disclose to Arlene Dighton, in writing, that the buyer, Larry Morris, was her son.
9. On February 5, 1990 Arlene Dighton entered into a listing contract with George Knipp Real Estate and Helen Morris.
10. The listing agreement indicated that the selling price was \$15,000 and that the terms of the sale were cash.
11. The sale between Arlene Dighton and Larry and Mary Morris closed on April 1, 1990 through George Knipp Real Estate.
12. Prior to April 7, 1990 Larry Morris advertised the property for sale in the newspaper.
13. On April 7 and 9, 1990 Helen Morris showed the property at 420 South Madison to Elsie B. Huber.
14. Elsie B. Huber purchased the property from Larry Morris on April 9, 1990 for \$22,500 and gave Larry Morris a down payment of \$1,000 on April 9, 1990.

FINDING OF PROBABLE CAUSE

On December 12, 1991 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.

Dated this 4<sup>th</sup> day of FEBRUARY, 1993.

  
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Roger L. Hansen, Executive Secretary  
Iowa Real Estate Commission

cc: Sherie Barnett  
Assistant Attorney General

File 91-021

BEFORE THE IOWA REAL ESTATE COMMISSION

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IN THE MATTER OF:	)	CASE NO. 91-021
	)	
HELEN M. MORRIS (S25669)	)	
Salesperson	)	SETTLEMENT AGREEMENT
	)	AND CONSENT ORDER
115 E. Main	)	
Manchester, Iowa 52057-1736	)	

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The Iowa Real Estate Commission (Commission) and Helen M. Morris (Morris) enter into this Settlement Agreement and Consent Order (Agreement), pursuant to Iowa Code § 17A.10 (1993) and 193E IAC § 4.12 (1993):

1. The Commission has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 272C, and 543B (1993).

2. Morris was issued a salesperson license on July 7, 1986, license number S25669. Her license is in effect through December 31, 1994.

3. A Statement of Charges has been filed against Morris and hearing is currently scheduled for December 15, 1994.

4. Morris has a right to a hearing on this matter, but waives her right to hearing and all attendant rights by freely and voluntarily entering into this Agreement.

5. Morris does not admit all allegations in the Statement of Charges, but agrees the Commission could find, upon hearing, one or more violations of law.

6. This Agreement shall be part of the permanent record of Morris and shall be considered by the Commission in determining the nature and severity of any disciplinary action to be imposed in the

event of any future violations.

7. This Agreement and the Statement of Charges are public records available for inspection and copying in accordance with the requirements of Iowa Code chapter 22.

8. Morris agrees the State's counsel may present this Agreement to the Commission in closed session. Morris waives any right of notice of this meeting and agrees the State's counsel may have ex parte communications with the Commission while presenting the Agreement.

9. Failure to comply with the provisions of this Agreement shall be considered prima facie evidence of a violation of Iowa Code §§ 543B.29(3) and 543B.34(2) (1993). However, no action may be taken against Morris without a hearing.

10. This Agreement is subject to approval of the Commission:

- a) If the Commission fails to approve this Agreement, it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter.
- b) If the Commission approves this Agreement, it shall fully dispose of all issues in this case.

**IT IS THEREFORE ORDERED:**

A. Morris' real estate license (\$25699) is suspended for a period of one (1) year commencing on the date this Agreement is approved by the Commission.

B. Prior to reinstatement, Morris shall pay a reinstatement fee of \$500.00, which shall be credited to the Real Estate

Education Fund, pursuant to 193E IAC § 2.13.


C. Morris shall fully and promptly comply with all pertinent Orders of the Commission and the statutes and Commission rules regulating the practice of real estate.

Morris freely and voluntarily executed this Agreement on the 5th day of December, 1994.

  
HELEN M. MORRIS

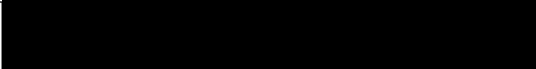
State of Iowa )  
                  ss:  
County of ~~Delaware~~ Delaware)

SUBSCRIBED and SWORN to before me this 5th day of December, 1994.

  
NOTARY PUBLIC IN AND FOR THE  
STATE OF IOWA  
Vonda Billhorn

My Commission expires 9/22/95.

This Agreement is approved by the Iowa Real Estate Commission on the 14th day of DECEMBER, 1994.

  
JERRY F. DUGGAN, Chairman  
Iowa Real Estate Commission

cc: Pamela Griebel  
Assistant Attorney General

Helen M. Morris  
Respondent