

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

COPY

IN RE:)	
)	
)	
MICHELLE R. PRICE)	CASE NUMBER: 02-078
Salesperson (S33593))	
)	STATEMENT
)	OF
IOWA REALTY INC.)	CHARGES
3501 WESTOWN PARKWAY)	
WEST DES MOINES, IA 502661007)	
)	

The Iowa Real Estate Commission has jurisdiction of this matter pursuant to Iowa Code chapter's 17A, 543B, and 272C (2001, 2003).

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

MICHELLE R. PRICE was at all material times during the following events, a salesperson licensed with Iowa Realty Company, Inc. a licensed real estate corporation license number F00710, in West Des Moines, Iowa. Her license, number S33593, was issued February 17, 1993 and is in full force and effect until December 31, 2004.

COUNT I

The Respondent, is charged with engaging in a practice harmful or detrimental to the public by signing a client's name on two documents associated with real estate transactions without the client's knowledge or written authorization, in violation of Iowa Code sections 543B.29(3) (practice harmful or detrimental to the public), 543B.34(1), 543B.56 (1)(a) & (b), and 543B.61(2) ((2001), and 193E IAC sections 1.45(1)(b), and 4.54(19).

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CIRCUMSTANCES OF THE COMPLAINT

1. On or about June 3, 2002, Respondent, acting as dual agent, prepared an offer with contingencies on property located at 1119 Park Avenue, Des Moines, Iowa. The offer was subject to sale of the Buyer's (Ellsworth) home located at 2741 Kinsey, Des Moines, Iowa. The offer was accepted by the Seller's (Wilson).
2. On or about June 30, 2002, an offer was prepared with contingencies on the property located at 2741 Kinsey, Des Moines, Iowa, subject to the Buyers (Fisher) obtaining financing. The offer was accepted by the Sellers (Ellsworth) who proceeded to move forward with the purchase of the property located at 1119 Park Avenue, Des Moines, Iowa.
3. On or about July 22 2002, the Respondent notified the Ellsworths that the Fishers did not get loan approval. On or about July 24, 2002, the Ellsworth's notified the Respondent that they wanted to cancel the Kinsey listing, re-list a new agent, and renegotiate a subject to sale addendum with the Sellers (Wilson) on the Park Avenue transaction.
3. On or about July 24, 2002, the Respondent signed the Ellsworth's signatures to a Subject to Sale Addendum and Agreement to Cancel Purchase to facilitate getting the properties back on the market. The Respondent faxed the signed documents instead of blank documents to Mrs. Ellsworth for signatures. Mrs. Ellsworth signed and faxed back only the Listing Cancellation. Later that day, the Respondent faxed by mistake the copies of a Subject to Sale Addendum and Agreement to Cancel Purchase that contained the Ellsworth's signatures that she had signed. When Mrs. Ellsworth questioned the signatures, Respondent advised she signed the documents to get the Ellsworth's property back on the market with the new listing agent and to get the Park Avenue property it back on the market. Later the same day, Respondent faxed the same documents unsigned to Mrs. Ellsworth for signatures.

FINDING OF PROBABLE CAUSE

On April 17, 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.

Dated this 15th day of January, 2004.


Roger L. Hansen, Executive Officer
Iowa Real Estate Commission

BEFORE THE IOWA REAL ESTATE COMMISSION
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ANKENY, IOWA

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IN RE:)	
)	
MICHELLE R. PRICE)	CASE NUMBER: 02-078
Salesperson (S33593))	
)	STIPULATION
IOWA REALTY INC.)	AND
3501 WESTOWN PARKWAY)	ORDER
WEST DES MOINES, IA 502661007)	

On this 15th day of JANUARY, 2004, the Iowa Real Estate Commission and MICHELLE R. PRICE, 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 February 17, 1993, which is in full force and effect through December 31, 2004.

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 does not admit the allegations in the Statement of 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.

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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) (2003).

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 \$ 1000 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 02-078.

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 **MICHELLE R. PRICE** on this 12th day of JANUARY, 2004.



MICHELLE R. PRICE, Respondent

State of Iowa)

County of Polk)

Signed and sworn to before me on this 12th day of January, 2004, by



Notary Public, State of Iowa.

Printed Name: James E. Hughes

My Commission Expires: 3-16-06

FOR THE COMMISSION:

This Stipulation and Consent Order is accepted by the Iowa Real Estate Commission on this 15 day of January, 2004.



James E. Hughes, Chair
Iowa Real Estate Commission